Par. 8.2.1.1.52
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Monday,
23rd November, 1953

# PARLIAMENTARY DEBATES

## HOUSE OF THE PEOPLE

OFFICIAL REPORT

PARLIAMENT SECRETARIAT
NEW DELHI

*Price Six Annas (Inland)*
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THE

PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT



# HOUSE OF THE PEOPLE

*Monday, 23rd November, 1953*

*The House met at Half Past One of the Clock*

[MR. SPEAKER *in the Chair*]

## ORAL ANSWERS TO QUESTIONS

### COMMERCIAL AUDIT

*193. **Shri S. N. Das:** Will the Minister of **Finance** be pleased to state:

(a) whether establishment of separate Commercial Audit Wings in each of the Audit Offices for conducting effective audit of the Union and State Governments' commercial and quasi-commercial undertakings, has been completed; and

(b) what is the present strength of this Branch of the Department?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) No Sir. The work of establishing separate Commercial Audit Wings in the larger offices where the volume and nature of the commercial and industrial activities of the Government concerned justifies it is now in progress.

(b) Excluding Class IV servants, the active strength at present is 427.

**Shri S. N. Das:** May I know, Sir, whether any special qualifications are required of the personnel recruited in this connection?

**Shri C. D. Deshmukh:** Special experience, Sir, in commercial audit.





**Shri S. N. Das:** May I know, Sir, whether any arrangement for their training has been made or whether they have to gain experience by working alone?

**Shri C. D. Deshmukh:** I want notice of that question. A certain amount of training would be necessary, I think.

**Shri S. N. Das:** May I know, Sir, whether the hon. Minister is in a position to state what is the number of State undertakings of the Union Government and what is the amount of money that they have to handle?

**Shri C. D. Deshmukh:** I want notice of that question.

### GOVERNMENT-OWNED CORPORATIONS

*194. **Shri Heda:** Will the Minister of **Finance** be pleased to state:

(a) the number and names of Corporations owned by the Central Government which have shown no earnings so far;

(b) the capital invested in these Corporations;

(c) any general reasons for this state of affairs; and

(d) the remedies that Government are contemplating?

**The Deputy Minister of Finance (Shri M. C. Shah):** (a) to (d). The information is being collected and will be laid on the Table of the House in due course.

COLOMBO PLAN

*195. **Dr. Ram Subhag Singh:** Will the Minister of **Finance** be pleased to state:

(a) the number of foreign students who have so far been provided with training facilities by the Government of India at the Indian institutions under the Colombo Plan; and

(b) the number of Indian experts so far provided to foreign countries under the same Plan?

**The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat):** (a) 207, Sir.

(b) 6, Sir.

**डा० राम सुभग सिंह :** लडकों को शिक्षा देने और यहां से कुछ एक्सपर्ट्स को बाहर भेजने के अलावा क्या भारत सरकार कोलम्बो प्लान के सिलसिले में कोई और भी टैकनीकल मदद देती है ?

**श्री बी० आर० भगत :** कोलम्बो प्लान की स्कीम में टैकिनिकल और इकनामिक दोनों तरह की असिस्टेंस दी जाती हैं । टैकनिकल असिस्टेंस की यह मदद मिल रही है, और इस के साथ साथ इकनामिक असिस्टेंस भी भारत सरकार ने दी है ।

**डा० राम सुभग सिंह :** यह जो लोग बाहर से हमारे देश में आते हैं इनको कहां शिक्षा दी जाती है और गवर्नमेंट उनका कुल खर्चा बेअर करती है या कुछ ।

**श्री बी० आर० भगत :** उनको देश में विभिन्न जगहों में विभिन्न इन्स्टीट्यूशन्स में शिक्षा दी जा रही है । इसकी बड़ी लिस्ट है । अगर मननीय सदस्य चाहें तो मैं उनके नाम दे सकता हूं ।

**श्री अलगूराय शास्त्री :** कुछ के नाम बताइये ।

**Mr. Speaker:** Order, order.

**Shri Muniswamy:** May I know, Sir, the subjects in which these foreign students are undergoing training in our institutions?

**Shri B. R. Bhagat:** Broadly speaking, the subjects are irrigation, sericulture, iron and steel, chemicals, air surveying and banking.

**Shri S. N. Das:** May I know, Sir, the names of the countries from which these students have come?

**Shri B. R. Bhagat:** The students have come from all the South and South-East Asian countries, like Ceylon, Burma, Indonesia, etc.

EXCHANGE RATE OF INDIAN RUPEE

*196. **Dr. Ram Subhag Singh:** Will the Minister of **Finance** be pleased to state the current exchange rate of the Indian rupee with the Nepalese currency?

**The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat):** The rate of exchange fluctuates from time to time and is now about Rs. 100 (Indian) = Rs. 162½ (Nepalese).

**डा० राम सुभग सिंह :** क्या यह सही है कि यहां से जो आदमी नैपाल जाते हैं उनसे उतना ही रुपया लिया जाता है जितना कि नैपाली रुपये का मूल्य होता है, यानी एक रुपये के बदले भारतीय एक रुपया ?

**श्री बी० आर० भगत :** यह बात सही नहीं है । मैं माननीय सदस्य का सवाल समझ नहीं सका । रुपया सरकार तो लेती नहीं है । वहां के मारकेट में जो आमतौर से सप्लाई और डिमान्ड होता है उसी के हिसाब से देना पड़ता है । सरकार तो लेती नहीं है ।

**Dr. Ram Subhag Singh:** If Government is not having any exchange rate, how do people going from India to Nepal transact their business—have they to pay more money in terms of the Nepalese currency?

**Shri B. R. Bhagat:** There is no exchange rate existing between India and Nepal. Indian rupee is circulating

freely in Nepal and more so in Terai. Further most of the imports to Nepal is from India and almost all the investment from Nepal being in India, the Indian rupee is at a premium. That is why the exchange rate of the Indian rupee is higher. There is absolutely no question of the Government fixing any rate because exchange rate does not exist betwen India and Nepal.

**Shri Heda:** May we know the reason why Government is not making any effort to fix such exchange rate?

**Shri B. R. Bhagat:** It is not a question for the Government of India; it is up to the Nepal Government to fix the exchange rate.

SCHOLARSHIPS TO BLIND STUDENTS

*200. **Shri S. N. Das:** (a) Will the Minister of **Education** be pleased to state what is the number of applications so far received which have been recommended by various State Governments for the award of scholarships to blind students for higher education and professional training for 1953-54, giving separate figures for each State?

(b) What is the total number of scholarships that will be awarded for 1953-54?

**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya):** (a) A statement is placed on the Table of the House. [*See* Appendix II, annexure No. 10.]

(b) Not more than 23.

**Shri S. N. Das:** May I know, Sir, whether these scholarships are going to be granted on a permanent basis, or are they given under an *ad hoc* arrangement?

**Shri K. D. Malaviya:** They are *ad-hoc* arrangements for the time being.

**Shri S. N. Das:** May I know what is the amount that is going to be given?

**Shri K. D. Malaviya:** In the current year a sum of Rs. 14,000 has been provided in the Budget.

منسٹر آف ایجوکیشن اینڈ نیچرل ریسورسز اینڈ سائنٹیفک ریسرچ (مولانا آزاد): کیا اَنریپل میمبر کا مطلب یہ ہے کہ ہر اسکالرشپ کتنے روپے کا ہوتا ہے -

**[The Minister of Education and Natural Resources and Scientific Research (Maulana Azad)]:** Does the hon. Member want to know the value of scholarship?

**Shri S. N. Das:** I want to know the total amount as well as the amount that each scholarship will carry?

**Shri K. D. Malaviya:** The maximum amount paid to a scholar under the scheme is Rs. 100, but the actual amount is determined in each case by the financial status of the parents. The total amount budgeted this year is Rs. 14,000; last year it was Rs. 6,000.

**Shri S. N. Das:** In order that the Government may not be charged as being blind to the interests of the blind, are any steps being taken to improve their lot?

**Shri K. D. Malaviya:** Government is taking all possible steps to encourage their study, and help the blind scholars in other ways; that is why the amount provided is increased each year. But much depends upon the cooperation and desire of the State Governments also; So far, inspite of the fact that we have invited applications one from each State, only six States have co-operated and about 11 applications have been received.

**Shri Muniswamy:** May I know, Sir, whether any other factors, besides blindness, is taken into consideration in awarding these scholarships?

**Shri K. D. Malaviya:** The scholarships are awarded according to the financial circumstances of the guardian.

**Shri R. K. Chaudhuri:** Is this amount of Rs. 100, per month, or for the whole year, or for the whole life?

مولانا آزاد : نہیں - یہ رقم تو ہر مہینے کے لئے ہے -

**[Maulana Azad]:** No, it is for each month.

U. P. S. C. CENTRE IN LONDON

*201. **Shri D. C. Sharma:** (a) Will the Minister of **Home Affairs** be pleased to state whether it is a fact that the Government of India have opened a Union Public Service Commission Centre in London also?

(b) Will the officers and staff be sent from here or recruited from the Indian Embassy staff?

(c) If the reply to part (a) above be in the affirmative, how much money has been spent on this?

(d) Do Government propose to open centres in other places where large numbers of Indians are working or studying?

**The Deputy Minister of Home Affairs (Shri Datar):** (a) The Union Public Service Commission opened a centre in London for the 1953 Combined Competitive Examination for recruitment to the I.A.S and other allied Services.

(b) The Centre was managed by the officers and staff of the Indian High Commission in London. No officer or staff was sent from India nor was any fresh local recruitment necessary to the Indian High Commission staff for this purpose.

(c) No extra expenditure was incurred.

(d) A suggestion for opening a similar centre at Washington is under consideration of the Union Public Service Commission.

**Shri D. C. Sharma:** May I know, Sir, if it is the intention of Government to continue this examination in future also?

**Shri Datar:** That depends upon the response from the students. If the number is large, in the interest of the students in those countries, we might keep the Centre.

**Shri D. C. Sharma:** Is it not a fact, Sir, that there being two sets of examiners for *viva voce* there would be two standards for these examinations?

**Shri Datar:** The standards would be the same for all the students.

**Shri D. C. Sharma:** I referred to *viva voce*. Therefore I think two standards are prevalent, one in India and another in England.

**Shri Datar:** This time the number was very small. But when all these questions arise they will be considered in the due interests of the candidates.

**Shri D. C. Sharma:** May I know if it is the intention of Government to open similar centres in other countries where a large number of Indians live, as for instance in East Africa and other places?

**Shri Datar:** It is a general question. It depends upon the strength of students that are likely to be available. Government have an open mind in the matter.

**Shri B. S. Murthy:** May I know whether non-Indian students in these centres are also given permission to sit for these examinations?

**Shri Datar:** No. Only Indian students in foreign countries are allowed.

**Shri S. V. Ramaswamy:** Is it the intention of Government to have the entire recruitment made in England hereafter, or is there going to be a proportion?

**Shri N. M. Lingam:** May I know the number of students that appeared at the London centre?

**Shri Datar:** We expected one hundred, and there were only eight students this year.

INDUSTRIAL FINANCE CORPORATION

*202. **Shri Gidwani:** (a) Will the Minister of **Finance** be pleased to state what are the recommendations of the Committee appointed by Government under the Chairmanship of Shrimati Sucheta Kripalani regarding the working of the Industrial Finance Corporation of India?

(b) Has the report been published?

(c) If not, what are the reasons?

**The Deputy Minister of Finance (Shri A. C. Guha):** (a) to (c). The Report is under active examination of Government and will be laid on the Table of the House as soon as the examination is completed. It has not yet been published.

**Shri Gidwani:** When was the Report submitted by the Committee?

**Shri A. C. Guha:** On 7th May this year.

**Shri Gidwani:** Has it been actually printed?

**Shri A. C. Guha:** The Report has not yet been published; it might have been printed.

**Shri M. S. Gurupadaswamy:** What are the main findings of the Committee?

**Shri A. C. Guha:** It would be too premature for me to say because I think the Report will be placed on the Table of the House very soon.

**Shri Matthen:** When does Government expect to publish it?

**Shri A. C. Guha:** I think this session it will be placed on the Table of the House.

**Dr. Lanka Sundaram:** In view of the fact that this committee was appointed as a result of the very strong criticism voiced in the House in regard to the Industrial Finance Corporation, is it the intention of the Government to have a debate on this Report?

**Mr. Speaker:** Do Government propose to allot some time for its discussion?

**Shri A. C. Guha:** The Report will be placed on the Table of the House and along with it we expect also to give the decisions of the Government on the various recommendations in the Report. I do not know whether it will be possible for this House to have a debate on this Report.

WESTMINSTER BANK

*204. **Shri A. N. Vidyalankar:** Will the Minister of **States** be pleased to refer to answer to the starred question No. 1323 on the 16th September, 1953, and state:

(a) whether it has been ascertained whether the funds in the Westminster Bank are in the liquid state or the same have been frozen;

(b) whether any amount had been withdrawn from these funds by the Pakistan High Commissioner since these funds had been transferred to his credit by Shri Moin Nawaz Jung;

(c) if so, what is the total amount of such withdrawals; and

(d) how the matter stands at present?

**The Minister of Home Affairs and States (Dr. Katju):** (a) to (c). It is not possible to obtain any information whether any amount was withdrawn from the funds by the Pakistan High Commissioner since the funds were transferred to his credit by Moin Nawaz Jung. There is no Order or Injunction issued by any Court against the Westminster Bank freezing the funds.

(d) The case is still under consideration.

**Shri T. B. Vittal Rao:** What was the bank balance on the 18th September, and what is the bank balance now?

**Dr. Katju:** I want notice.

PAKISTAN SECURITIES

*205. **Shri A. N. Vidyalankar:** (a) Will the Minister of **Finance** be pleased to refer to the replies to Starred Questions Nos. 1027 and 1028 asked on the 4th September, 1953, and

state whether it is a fact that Government stopped paying interest on the Pakistan Securities from the 27th February, 1953, and accordingly ordered its treasuries to stop payment thereof?

(b) When was this ban imposed?

(c) When were fresh orders passed to remove that ban?

(d) Is it a fact that no interest was drawn after the 27th February, 1951 on the securities worth 1,19,96,900/- referred to in the above mentioned replies because of this ban?

**The Minister of Finance (Shri C. D. Deshmukh)**: (a) to (c). No ban was imposed on payment of interest on Pakistan securities. But the public Debt Offices at Delhi and Calcutta withheld payment of interest during the period April to September, 1951 pending clarification as to the rate at which payment should be made in view of the recognition of the par value of the Pakistan rupee with effect from the 27th February, 1951. The payments at the two places were resumed from the 4th October, 1951.

(d) No Sir.

INDIAN SECURITIES

***206. Shri A. N. Vidyalankar**: Will the Minister of **Finance** be pleased to refer to the replies to Starred Questions Nos. 1027 and 1028, asked on the 4th September, 1953 and state:

(a) whether at the time of changing enfacement from Pakistan treasuries to those on Indian treasuries on the Government of India Securities imported into India after the 27th February, 1951, any investigation or scrutiny was made to ascertain how the consideration for these imported Indian Securities have been paid in Pakistan;

(b) if not, the reason therefor;

(c) whether at the time of receipt of intimation by Government on cancellation of interest enfacement from Indian treasuries to Pakistan treasuries, any investigation or scrutiny was made to ascertain how the Securities have been exported to Pakistan and how the price has been obtained in India; and

(d) if not, the reasons therefor?

**The Minister of Finance (Shri C. D. Deshmukh)**: (a) Yes Sir.

(b) Does not arise.

(c) The Reserve Bank carries out such checks as are practicable.

(d) Does not arise.

CENTRAL ELECTRONIC ENGINEERING RESEARCH INSTITUTE

***207. Shri Muniswamy**: (a) Will the Minister of **Natural Resources and Scientific Research** be pleased to state whether it is a fact that a Central Electronics Engineering Research Institute is going to be started at Pilani in Rajasthan?

(b) If so, what would be the initial capital expenditure on buildings and equipment of the Institute?

(c) What would be the nature of research to be carried on in that Institute?

(d) How many experts are expected to work in this Institute and how far the indigenous materials will be used to manufacture certain components?

**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya)**: (a) Yes, Sir.

(b) Rs. 25 lakhs.

(c) and (d). A statement giving the required information is laid on the Table of the House. [*See* Appendix II, annexure No. 11.]

**Shri Muniswamy**: May I know whether any new kind of research is going to be carried on in this Institute which has not been undertaken in any other Institute of this kind in our country?

**Shri K. D. Malaviya**: Some kind of research in radio electronics has so far been carried out in the Calcutta Institute of Electronics, the National Physical Laboratory and the Tata Institute

of Fundamental Research. But the entire field of electronics and radio is proposed to be taken up in this Institute;

**Shri Muniswamy:** May I know whether any experts from foreign countries have been invited to this Institute?

**Shri K. D. Malaviya:** Not so far, as far as I know.

**Shri Nanadas:** How many candidates are likely to do research work in this Institute?

**Shri K. D. Malaviya:** So far the intention is to engage about sixty technical workers in the first phase of the work.

**Shri S. N. Das:** May I know whether any financial aid is given by the Centre to this Institute?

**Shri K. D. Malaviya:** Yes, this will entirely be a Central Institute.

**Shri Meghnad Saha:** May I know if raido electronics industry has not been under the contemplation of Government for some time?

**Shri K. D. Malaviya:** No, Sir. This is the Electronics Institute, being discussed just now. I am not aware of a proposal about any electronic industrial concerns. It may be before the Ministry of Production.

**Shri Meghnad Saha:** May I know whether it is not a fact that there was a committee four years ago, of which I was a member, which recommended that there should be a radio electronics industry in this country and this report has been before the Government for four years?

**Shri K. D. Malaviya:** If the report referred to...

**Mr. Speaker:** Let him say facts and not inferences.

**Shri K. D. Malaviya:** So far as this proposal of a radio electronics industry is concerned I am not aware of it.

**Shri Meghnad Saha:** May I know if it is considered by Government proper to attach this Institute to radio electronic establishments?

**Mr. Speaker:** Whether Government consider it proper to have this Institute attached to the electronics industry instead of attaching it at Pilani—I think that is the question.

**Shri K. D. Malaviya:** This is an independent electronic radio research institute which has been set up at Pilani. It is not associated with any radio electronics industry just now.

**Shri T. K. Chaudhuri:** May I know if the amount of capital expenditure indicated includes any private contribution?

**Shri K. D. Malaviya:** The sum indicated here, namely Rs. 25 lakhs, does not include any private contribution. But over and above this amount private contribution has been made to this research institute.

**Shri Muniswamy:** May I know whether Government are confident that they can carry on research with the scientists available in India?

**Shri K. D. Malaviya:** Yes, we are confident of carrying on, in the first phase.

### Railway Coaches

*208. **Shri Vittal Rao:** (a) Will the Minister of **Defence** be pleased to state whether the examination of the Cost Audit Report, regarding the fixation of the price of the coaches manufactured at the Hindustan Aircraft Factory forwarded to the Defence Ministry more than six months ago, has since been concluded?

(b) If not, are Government aware of the fact that delay is impeding the utilisation of the capacity of the factory to the full?

**The Minister of Defence Organization (Shri Tyagi):** (a) Yes, Sir.

(b) This does not arise. I may, however, add, that the Hindustan Aircraft Ltd. have already been receiving 'on

account' payments for rail-coaches manufactured by them. The question of fixation of a final price for these coaches has not, in any way, impeded the utilization of full capacity of the factory for the manufacture of rail-coaches. This on the other hand is dependant, purely, on adequate supply of underframes which until recently were in short supply.

**Shri T. B. Vittal Rao:** May I know the price fixed for each coach built in this factory?

**Shri Tyagi:** For each coach, the HAL had demanded Rs. 105,000. The Railway have agreed to pay 4,500 less than what the HAL had demanded.

**Shri T .B. Vittal Rao:** In view of the fact that coaches built at the HAL factory cost 50 per cent. less than Swiss coaches, do Government contemplate increasing the capacity of this factory?

**Shri Tyagi:** I have no knowledge about the comparative rates that my hon. friend had just now quoted. I would therefore not commit myself on this point. As regards additional capacity, it is not the intention to add to the coach making capacity in the HAL factory just now.

**Shri T. B. Vittal Rao:** How many coaches are built there per month and what is the capacity of the factory?

**Shri Tyagi:** The capacity has been 15 to 20 coaches per month. They have been manufacturing so far on an average 12 coaches per month.

**Shri Meghnad Saha:** Has the attention of the Minister been drawn to the report of Industrial Programme of the Planning Commission that the work of this factory is being hampered for want of steel?

**Shri Tyagi:** I have got information about the section relating to manufacture of coaches only. As regards this section, the lesser supply of underframes has been the bottle-neck. Otherwise, the factory was working up to the mark.

**Some Hon. Members** *rose*—

**Mr. Speaker:** Let us go to the next question; this has been sufficiently debated.

**Shri K. C. Sodhia:** What is the Government...

**Mr. Speaker:** I have called the next question.

### Estate Duty

***210. Shrimati Tarkeshwari Sinha:** Will the Minister of **Finance** be pleased to state whether any training class has been started for officers to familiarise them with the Estate Duty Law?

**The Deputy Minister of Finance (Shri M. C. Shah):** Yes Sir.

**Shrimati Tarkeshwari Sinha:** May I know how many officers are being trained and what is the minimum qualification prescribed for the trainees?

**Shri M. C. Shah:** Fifteen Inspecting Assistant Commissioners, and 31 ITO: in all 46 officers.

**Shrimati Tarkeshwari Sinha:** May I know whether some officers have been sent to the UK to study the working of death duties there?

**Shri M. C. Shah:** They have not been sent. The proposal is there to send these officers to the UK to study the administration of estate duty there.

**Shrimati Tarkeshwari Sinha:** May I know whether training is being given to Government officers only or whether private chartered accountants also are under training in this centre?

**Shri M. C. Shah:** Central Board of Revenue officers, and an officer of the Law Ministry; we have requisitioned the services of two solicitors who have studied estate duty there. Twelve chartered accountants are attending the lectures.

**Shri R. K. Chaudhuri:** Is it a fact that income-tax officers have been requisitioned to do estate duty work and they have been put on training? For what length of time is the training?

**Shri M. C. Shah:** Three weeks. These people will be here for about 3 weeks for training purposes. The classes opened on the 2nd of November.

**Shri D. C. Sharma:** May I know if anything has been done to acquaint the public with the salient features of the estate duty law?

**Shri M. C. Shah:** Yes, Sir. We have already advertised certain salient points about the Estate Duty Act. At the same time, we are publishing a lay man's book as we have published a lay man's book on income-tax.

**Shri L. N. Mishra:** May I know whether it is a fact that these trainees have been recruited from one particular State or from all over the country?

**Shri M. C. Shah:** All the States; 17 in number. There are 17 Circles in the Income-tax department. We have got officers from all of them.

**Shri G. P. Sinha:** May I know...

**Mr. Speaker:** We will go to the next question.

LAND ACQUISITION IN BIHAR

*212. **Shri Jhulan Sinha:** Will the the Minister of **Defence** be pleased to refer to the reply given to starred question No. 406 asked on the 3rd June, 1952 and state the exact position up-to-date regarding the payment of compensation for acquisition of land in Sabeya in Saran, Bihar?

**The Deputy Minister of Defence (Sardar Majithia):** Compensation has been paid in full in respect of the lands acquired in Sabeya in Saran, Bihar, except in the case of an area of 284:802 acres which was returned to original owners and in respect of which there was no question of payment of acquisition compensation.

**Shri Jhulan Sinha:** In view of the large investment that the Government has made in acquiring the land for that aerodrome, may I know whether the Central Government are taking proper steps to maintain the aerodrome or they have left the maintenance to some other State or some other authority?

**Sardar Majithia:** We are maintaining this.

**Shri S. C. Samanta:** May I know whether in respect of the area which is going to be returned to the original owners, the cost of buildings, etc., that are standing there, will be recovered?

**Sardar Majithia:** There is no fresh area to be returned. It was already returned in 1948.

CROSS-WORD PUZZLES

*213. **Th. Lakshman Singh Charak:** Will the Minister of **Home Affairs** be pleased to state whether the Central Government are proposing to bring forward a Bill for controlling the system of cross-word puzzles in the country?

**The Deputy Minister of Home Affairs (Shri Datar):** The question whether central legislation should be undertaken to ban cross-word puzzles is under consideration.

**Shri Dabhi:** May I know whether the Government are aware of the fact that numerous persons in the country waste their time and money...

**A few Hon. Members:** No, no.

**Mr. Speaker:** Order, order. Mr. Radha Raman.

**Shri Radha Raman:** May I know what is the number of newspapers in the country which are conducting these cross-word puzzles?

**Shri Datar:** I have no information at present.

**Shri Muniswamy:** May I know whether the Bill under consideration of Government will be confined only to cross-word puzzles or any other puzzles of the kind?

**Shri Datar:** The whole question is under consideration.

**Shri M. Khuda Baksh:** The hon. Minister stated that he did not know the number of newspapers conducting

these cross-words. He also stated that the question of banning these cross-words is under consideration. Will he kindly state whether he is proceeding without a knowledge of the extent of cross-word puzzles going on and the number of newspapers...

**Mr. Speaker:** Order, order; next question.

BAR COMMITTEE (REPORT)

*214. **Th. Lakshman Singh Charak:** Will the Minister of **Law** be pleased to state what action Government have taken on the recommendations of the Bar Committee Report so far?

**The Minister of Law (Shri Biswas):** The Government of India have invited the views of the State Governments and of the Chief Justice and other Judges of the Supreme Court of India on the recommendations of the All-India Bar Committee. Further necessary action on the Committee's recommendations will be taken after their views are received.

**Th. Lakshman Singh Charak:** By which period, Sir, could we expect a decision in this matter?

**Shri Biswas:** We have not fixed any time limit for them to submit their opinion. We expect they will be available in the course of the next month. In that event, I should be in a position to introduce a Bill, if necessary, in the Budget session.

COMPANY LAW COMMITTEE

*215. **Th. Lakshman Singh Charak:** (a) Will the Minister of **Finance** be pleased to state how many recommendations of the Company Law Committee have been accepted by Government?

(b) How many have been implemented so far?

(c) Is it a fact that a new organisation has been set up for this purpose?

(d) If so, will Government give the set up of the organisation?

**The Deputy Minister of Finance (Shri M. C. Shah):** (a) and (b). Attention of the Honourable Member is invited to the Statement of Objects and Reasons appended to the Companies Bill, 1953, which was introduced in the House on the 2nd September, 1953.

(c) Yes, Sir.

(d) A chart indicating the set up of the organisation is laid on the Table of the House. [*See* Appendix II, annexure No. 12.]

DEFENCE SERVICES COLLEGE

*219. **Shri Bhagwat Jha:** (a) Will the Minister of **Defence** be pleased to state whether it is a fact that Officers from foreign countries attended the course held at Defence Services Staff College from October 1952 to September, 1953?

(b) If so, what was the number of such officers and to which countries did they belong?

(c) What was the number of Indian Officers who attended the course?

(d) Do Indian Officers also attend such courses in foreign countries?

**The Minister of Defence Organisation (Shri Tyagi):** (a) Yes.

(b) 5 foreign officers attended the course. They were 3 from U.K. and one each from Australia and Canada.

(c) 92.

(d) Yes.

**Shri Bhagwat Jha:** May I know, Sir, if this was a solitary instance or such colleges are run regularly by the Defence Ministry to train their officers?

**Shri Tyagi:** I am sorry I could not appreciate the significance of the question.

**Mr. Speaker:** Apart from the significance, has he got the information?

**Shri Tyagi:** The meaning also.

**Mr. Speaker:** Will he put the question in another form?

**Shri Bhagwat Jha:** In order that the hon. Minister may appreciate the question, may I know whether this running of the course to train their Defence officers was a solitary instance, or such courses are run regularly by the Ministry.

**Shri Tyagi:** Such courses are run regularly by the Ministry.

**Shri Bhagwat Jha:** May I know who bears the expenditure of running such a college—whether it is borne by the Government of India itself, or it is borne by some other Governments also?

**Shri Tyagi:** It is the Government of India who incurs all the expenditure on this College of training, and those officers who come from foreign countries pay for their own expenditure.

**Shri Bhagwat Jha:** May I know if the instructors who are training these officers are all Indian or brought from outside? If they are from outside, who bears the cost of such instructors?

**Shri Tyagi:** Whosoever is on the staff of the College is paid for by the Government of India. I have not got the break-up of the staff, but I believe most of them are Indian.

**Shri Nanadas:** Arising out of the answer given to part (d) of the question, may I know how many times our officers visited foreign staff colleges and in which countries?

**Shri Tyagi:** I cannot exactly say how many times our officers visited, but arrangements with foreign countries are mostly on a reciprocal basis. They send their students for training to our college, and we also send our students to their colleges.

**Shri Nanadas:** May I know, Sir, whether there is any single instance when our officers attended the staff colleges of foreign countries?

**Shri Tyagi:** Every year.

**Shri N. M. Lingam:** May I know if the Commandant of the College is an Indian or a foreigner?

**Shri Tyagi:** I want notice.

**Shri R. K. Chaudhuri:** He has not answered what are the countries.

**Shri Tyagi:** U.K., Canada, Australia, Burma and U. S. A.

**Shri Algu Rai Shastri:** But not Russia!

AGRA CANTONMENT BOARD

*220. **Seth Achal Singh:** (a) Will the Minister of **Defence** be pleased to state since when the elections of the Agra Cantonment Board have not been held?

(b) When are they proposed to be held?

**The Deputy Minister of Defence (Sardar Majithia):** (a) 1946.

(b) Early next year.

सेठ अचल सिंह : क्या मंत्री महोदय बतलाने की कृपा करेंगे कि भारत के अन्य कैन्टोन्मेन्ट बोर्डों में तब से अब तक चुनाव हुए हैं या नहीं !

**Sardar Majithia:** As I said, Sir, the last elections were held in 1946, and fresh elections will be held early next year.

सेठ अचल सिंह : क्या मंत्री महोदय बतलाने की कृपा करेंगे कि आगरे में अब तक चुनाव क्यों नहीं हुए ?

**Sardar Majithia:** That is a long question. Briefly, firstly it was a question of giving them adult suffrage which was given to us by the Constitution. That has also been completed. Secondly, it was a question of getting on to the Ward system after treating the whole cantonment as one unit. Thirdly, there was also the representation of the Scheduled Castes.

AGRA CANTONMENT

*221. **Seth Achal Singh:** Will the Minister of **Defence** be pleased to state what steps have been taken for merging certain portions of the Agra Cantonment Area into the neighbouring municipality, and when action in this regard will be completed?

**The Deputy Minister of Defence (Sardar Majithia):** Certain proposals are under the consideration of Government and the Government of Uttar Pradesh are being consulted. A decision may be expected in the near future.

सेठ अचल सिंह : क्या मंत्री महोदय बतलाने की कृपा करेंगे कि छावनी का जो हिस्सा चुंगी में लिया जा रहा है उस की क्या वजह है ?

**Sardar Majithia:** I have not quite followed the question, but the question was regarding excision and now it has something to do with the cess or something like that, I think.

TAXATION ENQUIRY COMMITTEE

*222. **Shri Nanadas:** Will the Minister of **Finance** be pleased to state:

(a) the progress made so far by the Taxation Enquiry Committee;

(b) whether any interim report has been submitted by the Taxation Enquiry Committee; and

(c) if so, whether it will be placed on the Table of the House?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) The Commission issued a comprehensive questionnaire in July, 1953, inviting the views of the Public, Commercial and Industrial organisations in the country on the various problems coming up for their consideration. They are now on a tour of the various States for recording evidence.

(b) No, Sir.

(c) Does not arise.

**Shri Nanadas:** May I know, Sir, how many States this Commission visited for the purpose of this enquiry?

**Shri C. D. Deshmukh:** The tour began from the 15th November, 1953, and it is too early to say how many States they have visited.

**Shri Nanadas:** May I know, Sir, what procedure has been followed by the Taxation Enquiry Commission in getting evidence from the rural population regarding their tax burdens?

**Shri C. D. Deshmukh:** Their invitation to reply to the questionnaire was addressed to everybody including the rural population.

**Shri S. S. More:** May I know in what language the questionnaire was issued?

**Shri C. D. Deshmukh:** To my knowledge, Sir, in English.

**Shri Nanadas:** May I know, Sir, by what time the enquiry will be completed and the Report submitted?

**Shri C. D. Deshmukh:** That is difficult to say. The Commission aim at submitting an interim report on the 30th September, 1954, but it is too early to say when they will be able to submit their final report. Much depends, of course, on the evidence that they collect.

**Shri Sarangadhar Das:** Will Government consider the advisability of requesting the Commission to issue this questionnaire in the regional languages so that the rural people will come to know about it?

**Shri C. D. Deshmukh:** I shall find out from the Commission whether they have experienced any difficulty in eliciting the views of the public by the fact of their having issued the questionnaire only in English, and then I must leave it to their discretion. Certainly the suggestion will be passed on to them, but I must leave it to their discretion to consider whether the questionnaire should now, at this stage, be issued again in the regional languages.

सेठ गोविन्द दास : क्या माननीय मंत्री को यह मालूम नहीं है कि इस देश में अंगरेजी समझने वाले बहुत कम हैं और जब तक कि वह प्रश्नावली भिन्न भिन्न प्रान्तों की भाषा में नहीं भेजी जायेगी तब तक उस से कोई फायदा नहीं होगा ?

**Mr. Speaker:** Order, order. We are entering into an argument now.

**Shri R. K. Chaudhuri:** To what class of persons...

**Mr. Speaker:** Now we are going to the next question.

ALLOWANCES TO THE NAVAL PERSONNEL

*223. **Shri Nanadas:** Will the Minister of **Defence** be pleased to state:

(a) what are the rates of allowance paid to the Naval Personnel in liue of married quarters at present;

(b) whether there is any proposal to enhance the present rates; and

(c) if so, when the enhanced rates will come into force?

**The Minister of Defence Organisation (Shri Tyagi):** (a) The present rates of allowance are:—

Cheif Petty Officer ... Rs. 16/- p.m.
Petty Officer .....Rs. 6/-"
Leading Seaman .....Rs. 2/8/-"
Able bodied/Ordinary Rating .....Re 1/-"

(Officers are not entitled to Allowance in lieu of quarters).

(b) and (c) The matter is under consideration.

**Shri Nanadas:** May I know, Sir, when these rates were fixed?

**Shri Tyagi:** They have been in vogue for some years. I do not know the exact date when they were fixed.

**Shri Nanadas:** May I know, Sir, whether the Government is aware of the fact that there is strong demand from the naval personnel that their married allowance should be enhanced immediately?

**Shri Tyagi:** Yes, Sir. Government is fully conscious of it and Government has taken up the question under their consideration and very soon I believe Government will be in a position to announce the enhanced rates.

**Kumari Annie Mascarene:** What is the principle on which Re. 1 per month is given for the ratings?

**Shri Tyagi:** About fixation of rates, there are no principles involved. Basically the decisions are taken taking into account the economic resources of the country.

**Mr. Speaker:** Next question.

**Kumari Annie Mascarene:** May I know whether it is a fact that married life...

**Mr. Speaker:** Order, order. Next question.

FULBRIGHT SCHEME

*224. **Shri T. K. Chaudhuri:** (a) Will the Minister of **Education** be pleased to state how many scholars, teachers and students from U.S.A. are now in India under the **Fulbright** scheme?

(b) What facilities do we have to provide in our Universities and other educational institutions for these scholars?

(c) What is the total number of Indian scholars exchanged for study in U.S.A. against the total number of U.S. scholars who have come to India uptil now?

**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya):** (a) Seventeen, Seven and sixteeen respectively.

(b) No specific facilities are provided to these scholars. However, in case of difficulties in matters of admission or facilities for research and the like Government of India have been providing necessary assistance.

(c) 388 and 124 respectively.

**Shri T. K. Chaudhuri:** May I know who selects these scholars? Do the Government of India exercise any kind of control over the selection of Indian

scholars who are sent to the United States, and over the selection of United States scholars who come to this country?

**Shri K. D. Malaviya:** The selection for grants to Indian students are made in the first instance, by Regional Committees in Madras, Bombay, Calcutta and Delhi, and later on by the Foundation's National Selection Committee. Finally all selections are made by the Board of Foreign Scholars in the United States.

**Shri T. K. Chaudhuri:** I wanted to know whether the Government of India exercise any kind of control or have any voice over the selection of these scholars?

**Shri K. D. Malaviya:** As I stated earlier, there are four Regional Committees, which select these Indian students. They are at Madras, Bombay, Calcutta and Delhi. The first selection are thus always made by these Regional Committees.

**Shri T. K. Chaudhuri:** Are these Regional Committees appointed by the Government of India?

**Shri K. D. Malaviya:** Not so much by the Government of India, but the Board appoints these Committees on which Government of India have their representatives on fifty fifty basis.

**Shri Muniswamy:** May I know whether it is possible for the hon. Minister to explain briefly the details of this scheme?

**Mr. Speaker:** Order, order.

**Shri D. C. Sharma:** May I know whether these scholarships are meant only for technical subjects, or also for non-technical subjects?

**Shri K. D. Malaviya:** For all types of subjects.

**Shri Sarangadhar Das:** May I know whether the students who go to the United States of America are briefed by the Education Ministry, as to how they should conduct themselves, while in the United States?

**Shri K. D. Malaviya:** No praticular briefing is done nor is needed.

## मैंगनीज के निक्षेप

*२२५ **श्री रघुनाथ सिंह** : (क) **क्या प्राकृतिक संसाधन तथा वैज्ञानिक अनुसंधान मंत्री** यह बताने की कृपा करेंगे कि क्या बम्बई राज्य के उत्तर कन्नड जिले में मैंगनीज के निक्षेप पाये गये हैं ?

(ख) यदि हां, तो इन निक्षेपों से मैंगनीज की कितनी मात्रा प्राप्त होने का अनुमान है ?

**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya):** (a) Yes, Sir.

(b) 500,000 tons approximately.

**श्री रघुनाथ सिंह** : इन खानों का सरकार इन्तिजाम करती है या इन खानों को ठेके पर दिया जाता है ?

**श्री के० डी० मालवीय** : खानों का इन्तिजाम तो सरकार नहीं करती । वह तो प्राइवेट इंडस्ट्रियलिस्ट ही करते हैं ।

**श्री रघुनाथ सिंह** : इसका काम आरम्भ कब से होगा ?

**श्री के० डी० मालवीय** : जब भी लोग चाहें कायदे के मुताबिक ठेका ले सकते हैं । लेकिन मैं माननीय सदस्य की सूचना के लिये बताना चाहता हूं कि इन खानों की मैंगनीज बहुत अच्छे किस्म की नहीं है ।

**Shri Joachim Alva:** Are Government aware that quite a number of manganese mine-owners in North Kanara have shifted themselves to Goa, because there are no coastal or transport facilities for them in North Kanara?

**Shri K. D. Malaviya:** Unfortunately, I am not aware of it.

BHATTACHARYA COMMITTEE

*226. **Shri Viswanatha Reddy:** (a) Will the Minister of **Finance** be pleased to state whether Government have received any report from the State Governments on the recommendations of the Bhattacharya Committee?

(b) If so, what action is being taken in this regard?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) No Sir.

(b) As a result of the consideration of the report submitted by the team of officers headed by Shri P. C. Bhattacharyya assistance is being given for a number of minor irrigation schemes under the Grow More Food programme in both the States of Andhra and Residuary Madras and for contour bunding schemes in Coimbatore District in the latter State. A programme of permanent improvements for scarcity areas in Andhra costing about Rs. 5 crores during the period of the Plan, for which the Central Government will advance loans, is also at present under consideration.

**Shri Viswanatha Reddy:** May I know whether Government will place on the Table of the House, a full list of all the schemes recommended by Committee?

**Shri C. D. Deshmukh:** Yes, Sir.

**Shri Viswanatha Reddy:** May I know the total amount involved in all these schemes?

**Shri C. D. Deshmukh:** That will be known, when the statement is placed on the Table of the House. I have not got the figures with me here.

**Shri Nanadas:** May I know the amounts sanctioned to the Andhra State for the Grow More Food Schemes, during 1952-53, and 1953-54?

**Shri C. D. Deshmukh:** That question should be addressed to my hon. colleague the Minister of Food and Agriculture, and notice given.

## WRITTEN ANSWERS TO QUESTIONS

LIFE ASSURANCE COMPANIES

*197. **Shri H. N. Mukerjee:** (a) Will the Minister of **Finance** be pleased to state whether it is a fact that some foreign Life Assurance Companies quote a lower rate of premium to persons of a higher economic status on the plea that the rich persons are subject to lower mortality?

(b) What steps have Government taken to eliminate the practice of quoting differential rates?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) and (b). The practice was followed by some foreign as well as Indian Life Insurance Companies but through the efforts made by the Executive Committee of the Life Insurance Council, it has now been discontinued voluntarily by all the Insurers.

BERYLLIUM AND TITANIUM

*198. **Shri Punnoose:** Will the Minister of **Natural Resources and Scientific Research** be pleased to state whether it is true that during the recent visit abroad of the Secretary of the Ministry certain American parties have been persuaded to help in the development of Beryllium and Titanium products in India?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** Discussions with certain American parties for the development of beryllium and titanium products in India took place during the recent visit abroad of the Chairman and Secretary, Atomic Energy Commission. The proposals are still under negotiation.

CRIMES IN PEPSU

*199. **Sardar A. S. Saigal:** (a) Will the Minister of **States** be pleased to state whether there has been a decrease in the number of crimes in PEPSU, since the enforcement of President's rule there?

(b) How many illicit country-made 303 rifles, country-made pistols and country-made Muzzle-loading guns

have been recovered by the PEPSU Police during this period?

(c) Have these weapons been manufactured in PEPSU or smuggled from outside States?

(d) If these weapons have been manufactured in PEPSU, what steps have Government taken in the matter?

**The Minister of Home Affairs and States (Dr. Katju):** (a) Yes;

(b) Country-made .303 rifles: ...30;
Country-made Pistols: ...350; and
Country-made Muzzle-loading guns: ...13.

(c) Some of these weapons were manufactured in PEPSU while others had been imported from other States;

(d) Vigorous efforts were made to locate the manufacturers of such weapons in PEPSU and a number of them have already been placed on security under section 110 Criminal Procedure Code.

DIAMOND MINING INDUSTRY

***203. Ch. Raghubir Singh:** (a) Will the Minister of **Natural Resources and Scientific Research** be pleased to state how far the examination of the prospects of the diamond mining industry made in Vindhya Pradesh has been successful?

(b) Which sites of Vindhya Pradesh were examined?

(c) What amount of expenditure was incurred in this connection?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) As a result of the recent examination of the Panna Field a plan has been drawn up by the Indian Bureau of Mines for working of the diamond field both by proprietory concerns with sufficient means to set up modern machinery and by the traditional rural workers who carry out the operations manually.

(b) Major part of the Panna field extending from Majgawan in the south-west to Pahari Khera in the north west.

(c) Rs. 1952/- on account of travelling of the officers who visited the field.

REGISTRATION OF ENGINEERS

***211. Shri Ajit Singh:** Will the Minister of **Education** be pleased to refer to the answer to starred question No. 1331 (a) on the 16th September, 1953 regarding registration of Engineers and state:

(a) when the legislation regarding compulsory registration of Engineers is expected to be brought before the House; and

(b) whether the Council of Scientific Research have verified the particulars regarding all Engineers borne on the National Register of Engineers that has been compiled and printed?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** (a) The question of compulsory registration of Engineers is still under consideration.

(b) As the registration is purely voluntary, it has not been considered necessary to verify the particulars of the persons concerned.

SPECIAL POLICE ESTABLISHMENT

***216. Shri Ajit Singh:** Will the Minister of **Home Affairs** be pleased to state which recommendations of the Inquiry Committee on Special Police Establishment have been accepted and implemented by Government?

**The Minister of Home Affairs and States (Dr. Katju):** All the recommendations have been accepted by Government and all of them, except two, have also been implemented. These two recommendations, which are under consideration, relate to the amendment of the Railways Act and procedure for the more expeditious disposal of departmental cases.

CONSOLIDATION OF HOLDINGS IN PEPSU

*217. **Shri Madhao Reddi:** Will the Minister of **States** be pleased to state whether it is a fact that the Government of PEPSU are embarking on the programme of consolidation of holdings in the rural side and in this connection a cess of Rs. 2/1/- per acre, as subscription for consolidation expenses, is being collected from the farmers?

**The Minister of Home Affairs and States (Dr. Katju):** Operations for the consolidation of holdings in the rural area have been started by the Government of Patiala and East Punjab States Union. A consolidation fee of Rs. 3/- per acre and another sum of Rs. 1/13/- to meet expenses in connection with the consolidation operations are being charged by the Government from the farmers concerned.

EASTERN COMMAND HEADQUARTERS

*218. **Shri Madhao Reddi:** Will the Minister of **Defence** be pleased to state whether Government have decided to transfer the **Eastern** Command Headquarters from Ranchi to Lucknow?

**The Minister of Defence Organisation (Shri Tyagi):** Yes.

INSURANCE COMPANIES

**104. Shri S. N. Das:** Will the Minister of **Finance** be pleased to state:

(a) the number of insurance companies for the management of which the Central Government appointed administrators during the current year; and

b) the number of such cases in which civil and criminal cases have been filed against any past management?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) Two.

(b) In neither of the above cases has such action been so far taken.



मद्रास तथा आन्ध्र राज्यों की जन संख्या

१०५. सेठ गोविन्द दास : क्या गृह कार्य मंत्री यह बताने की कृपा करेंगे कि अवशिष्ट मद्रास राज्य तथा नवीन आन्ध्र राज्य में लगभग कितनी कितनी जनसंख्या है और दोनों राज्यों में तामिल तथा तेलुगु भाषा भाषी लोगों की क्या संख्या है ?

**The Deputy Minister of Home Affairs (Shri Datar):** The approximate population of the residuary Madras State and the new Andhra State according to the 1951 Census is 35,734,489 and 20,507,801 respectively. The approximate number of Tamil and Telugu speaking people in the residuary Madras State is 24,075,196 and 3,323,342 and in that of Andhra State is 403,266 and 18,330,957.

DEBENTURES OF KARACHI PORT TRUST

**106. Shri A. N. Vidyalankar:** Will the Minister of **Finance** be pleased to refer to the replies to Starred Questions Nos. 1027 and 1028 asked on the 4th September, 1953 and state:

(a) whether the Imperial Bank of India maintained any registers in respect of the Debentures of Karachi Port Trust and Karachi Municipal Corporation upto the 17th September 1949; and

(b) if so the position as on the 17th September, 1949 after inquiry from the Imperial Bank of India?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) and (b). No registers were maintained at any time by the Imperial Bank of India in respect of debentures of the Karachi Port Trust and the Karachi Municipal Corporation.

TECHNICAL ASSISTANCE FOR WEST BENGAL

**107. Shri S. C. Samanta:** (a) Will the Minister of **Finance** be pleased to state how many applications for technical assistance received by the International Aid Co-ordination Unit of the

Ministry from the State of West Bengal since 1950 have been accepted?

(b) What are the subjects for which assistance was sought?

**The Minister of Finance (Shri C. D. Deshmukh):** (a)

*For Training.*

| | | |
|---|---|---|
| Colombo Plan | — | 14 |
| Point Four Programme | — | 3 |

United Nations Technical Assistance Administration.

*For Experts*

| | | |
|---|---|---|
| Point Four Programme | — | 2 |

(b) A statement showing the subjects is laid on the Table. [*See* Appendix II, annexure No. 13.]

MODI INDUSTRIES LTD.

**108. Shri T. B. Vittal Rao:** Will the Minister of **Home Affairs** be pleased to refer to reply to starred question No. 1328 on the 16th September, 1953 and state what decision has since been arrived at regarding laying on the Table of the House a copy of the advice tendered by the Solicitor-General to drop prosecution proceedings against the General Manager and Deputy General Manager of Modi Industries Ltd., in connection with misloading of 26 wagons at Modinagar?

**The Minister of Home Affairs and States (Dr. Katju):** Government have come to the conclusion that it would be contrary both to established convention and to public policy to lay a copy of the Solicitor-General's opinion on the Table of the House.

## कुरान का अनुवाद

१०९. **श्री आर० एन० सिंह :** क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि कुरान का हिन्दी अथवा अन्य भाषाओं में अनुवाद करने पर कोई कानूनी प्रतिबन्ध तो नहीं है ?

**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** No.

CENTRAL EXCISE DEPARTMENT, HYDERABAD

**110. Shri Nanadas:** Will the Minister of **Finance** be pleased to state:

(a) the number of lower division clerks appointed in the offices of the Central Excise Department under the jurisdiction of the Central Excise Collector, Hyderabad during 1953;

(b) the number of clerks appointed from the Scheduled Castes; and

(c) whether the recruitment to these posts has been made on the basis of any competitive examination?

**The Deputy Minister of Finance (Shri A. C. Guha):** (a) Fifty-seven lower division clerks have been appointed till 12th November, 1953, in the charge of Collector of Central Excise, Hyderabad.

(b) Ten out of the 57 are Scheduled Castes.

(c) No, Sir. Selection is made by a Committee of two or three Senior Officers of the Collectorate after interviewing candidates who satisfy the minimum educational qualification and are within the age limit prescribed for lower division clerks.

TRAINING OF INDIAN NAVAL OFFICERS AND RATINGS IN U. K.

**111. Shri Nanadas:** Will the Minister of **Defence** be pleased to state the number of Indian Naval officers and ratings trained in the U.K. since 1947 and the total cost of their training?

**The Minister of Defence Organisation (Shri Tyagi):** A total number of 348 officers and 1147 ratings have been trained in the U.K. during the period 1947 to 1953 and the total cost of their training is £. 97,466.

## निर्वाचन याचिकायें

११२. **श्री आर० एस० तिवारी :** क्या विधि मंत्री यह बताने की कृपा करेंगे :

(क) जो निर्वाचन याचिकायें अभी बाकी रह गई हैं उनकी राज्यवार संख्या कितनी है ; तथा

(ख) विन्ध्य प्रदेश में कितनी याचिकायें पेश की गई थीं, उनमें से कितने के विषय में निर्णय हो चुका है और कितने के विषय में निर्णय बाकी है ?

**The Minister of Law (Shri Biswas):** (a) The number of election petitions which are pending is given state-wise in the table below, the figures being as on the 17th November, 1953:—

| Name of State | General Election | | Bye-elections | |
|---|---|---|---|---|
| | Parliamentary | State Legislature | Parliamentary | State Legislature |
| Bihar | 1 | 2 | 1 | 3 |
| Bombay | ... | ... | ... | 1 |
| Madhya Pradesh | ... | ... | ... | 5 |
| Madrass | ... | 1 | ... | ... |
| Orissa | ... | 1 | ... | 1 |
| Uttar Pradesh | 2 | 8 | ... | 5 |
| Madhya Bharat | ... | 2 | ... | 2 |
| Mysore | ... | 1 | ... | ... |
| Rajesthan | ... | 4 | ... | 1 |
| Saurashtra | ... | ... | 1 | ... |
| Ajmer | ... | ... | ... | 1 |
| Delhi | 1 | 3 | ... | ... |
| Himachal Pradesh | ... | ... | | 1 |
| Vindhya Pradesh | 2 | 2 | ... | 1 |
| Total | 6 | 24 | 2 | 21 |

(b) In Vindhya Pradesh, 25 petitions have been filed up-to-date. 20 have been decided and 5 are pending.

VEHICLE DEPOT AND M. E. S., PANAGAR

**113. Shri Ramananda Das:** (a) Will the Minister of **Defence** be pleased to state whether Government are aware that a number of civilian workers of Vehicle Depot and M.E.S., Panagar, were assaulted by Military Personnel in September, 1953, on suspicion of some alleged theft and that the case against the workers failed in the court?

(b) Is it a fact that on the complaint of the Union, the Base Commander, Panagar, instituted an enquiry for ascertaining the facts of assault in which some military officers were found guilty?

(c) If the answer to part (b) above be in the affirmative, what action has been taken against the guilty officers?

**The Minister of Defence Organisation (Shri Tyagi):** (a) Government reports are that no civilian workers of Vehicle Depot and MES Panagar were assaulted by military personnel in September 1953 on suspicion of an alleged theft. The case of theft against the workers failed in the court.

(b) Yes, an inquiry was instituted but the allegation of assault against the military personnel was found to be baseless.

(c) Does not arise.

ABOLITION OF CERTAIN DISTRICTS IN PEPSU

**114. Shri Ranjit Singh:** Will the Minister of **States** be pleased to state:

(a) the amount of saving expected from the abolition of Barnala, Fatehgarh Sahib and Kandaghat districts of PEPSU; and

(b) what steps have been taken to re-employ the staff retrenched on account of the abolition of the above-mentioned districts?

**The Minister of Home Affairs and States (Dr. Katju):** (a) The districts in question have not been abolished. As a measure of economy, the Barnala district has been placed under the charge of the Deputy Commissioner, Sangrur and the districts of Fatehgarh Sahib and Kandaghat under the charge of the Deputy Commissioner, Patiala respectively. As a result of this reorganisation and the abolition of certain Tehsils, a saving of about Rs. 8 lakhs per annum is anticipated.

(b) The entire permanent staff rendered surplus on account of this reorganisation have been absorbed in

other Departments. The Government is also endeavouring to find alternative posts for the temporary personnel who have been retrenched. For this purpose, the State Government have banned recruitment to all posts in the State Services, excepting those requiring specialised technical training, till the retrenched personnel have been re-employed.

THE Dated 25.11.2014

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT



# HOUSE OF THE PEOPLE

*Monday, 23rd November, 1953*

*The House met at Half Past One of the Clock.*

[MR. SPEAKER *in the Chair*]

## QUESTIONS AND ANSWERS

*(See Part I)*

2-16 P.M.

## MOTION FOR ADJOURNMENT

### USE OF FORCE AT KAYAMKULAM MEETING

**Dr. Lanka Sundaram** (Visakhapatnam): Before you call upon the hon. Minister to move for the consideration of the Dhoties (Additional Excise Duty) Bill, may I just make one small submission?

**Mr. Speaker:** I shall come to that business later. There is a business before that. The other day, an adjournment motion was sought to be moved by Shri H. N. Mukerjee and others, to discuss the alleged police repression on non-Congress parties, at Kayamkulam, and Government stated that they would ascertain and then state the facts.

**The Minister of Home Affairs and States (Dr. Katju):** Sir, we have made inquiries, and I propose to give the House the result of those inquiries, and the information that we have collected.





For some days, the students of Pandalam College had been agitating against the college authorities, over the recognition of the Students Union, and had gone on strike. The students of the Kayamkulam High School had decided to observe a sympathetic strike on October 26, 1953. The students of this school are organised in two unions—one reported to be led by persons with Communist sympathies, and the other non-Communist. Both groups were agreed on the sympathetic strike on 26th October 1953. A difference arose over the issue of continuance of the strike-one union (the pro-Communist one) being in favour of such action, and the other being opposed. On 13th November 1953, the pro-Communist students, backed by certain outsiders belonging to the Communist Party, staged a strike accompanied by picketing and a certain amount of violence, in the course of which some girl students and the Headmaster were roughly handled. As a result of this incident, eleven persons were arrested by the police, who registered a crime. Failing to organise a strike at the Kayamkulam School, the Communists persuaded the students of the Prayer School on 16th November 1953, to go in a *jatha* to Kayamkulam as a demonstration. This *jatha* was peacefully dispersed by the police. Members of the Communist, the P.S.P., and the R.S.P. parties organised a meeting at Kayamkulam *maidan*, in order to protest against the action of the school authorities and the police. The meeting started at 6.30 p.m. under the presidentship of Shri P. K. Kunju of the P.S.P. One of the speakers, Shri Kunju Krishna Pillai

[Dr. Katju]

used extremely abusive language in criticising the students who insisted on attending the classes, their guardians and the administration. At this, a section of the audience protested and demanded that the speaker should stop. This was followed by an exchange of blows, and one or two persons were seriously hurt. At this stage, the police rushed to the spot, whereupon the crowd dispersed and ran away. The police arrested seven persons, namely, Sarvashri Shridharan, Karunakaran, Shankra Pillai, Mohammed Kunju, Veluthankunju, Gopalan and Vasudevan. Of these, Shri Veluthakunju and Shri Gopalan were found to have stab injuries. A case under sections 147, 323, and 324 IPC (rioting and hurt) and section 19 (a) of the Arms Act ("going armed" without a licence) was registered against Sarvashri Kunju Krishna Pillai, Shridharan, Karunakaran, Shankara Pillai and Mohammed Kunju and one Damodaran. Another case was also registered against Sarvashri Valuthakunju, Gopalan and Vasudevan under sections 133/34 I.P.C. (violently giving provocation with intent to cause a riot). All the accused were released on bail by the police, with the exception of Shri Shridharan who was produced before the Sub-Divisional Magistrate at Alleppey; he was granted bail by the Magistrate on condition of daily appearance before the court.

It will be observed from this narration of facts that the police intervention, both on the 13th and on the 16th November 1953, took place after a breach of public order had occurred, and nobody at all was assaulted by the police. The incidents on both days were connected directly and solely with the students' agitation and had nothing to do with anything else. Information in Government's possession does not indicate that the police would have felt called upon to take any action if a breach of the peace had not already taken place. However, since the incidents are under police investigation and may result in judicial proceedings, it would not be correct and proper to discuss what actually took place on the 13th and the 16th November 1953. It is wholly untrue to say that the action taken by the police was in any way connected with, or arose out of, the Central Home Minister's recent tour in the State which ended on the 6th November. Both the incidents are connected with the normal maintenance of law and order and are, therefore, strictly within the jurisdiction of the Travancore-Cochin State and not within the jurisdiction of the Government of India.

**Shri H. N. Mukerjee** (Calcutta North-East) *rose*—

**Mr. Speaker:** The date mentioned is 17th November. The hon. Minister referred to the 13th November.

**Dr. Katju:** 13th and 16th.

**Mr. Speaker:** But the date mentioned in the motion is 17th. I presume that that is a mistake. (*Interruptions*) I want to know from the hon. the Mover of the motion.

**Shri N. Sreekantan Nair** (Quilon *cum* Mavelikkara): It is the 17th November.

**Mr. Speaker:** The hon. Minister has in his possession the text of the motion.

**Dr. Katju:** I have got the text.

**Mr. Speaker:** It refers to the incident and says:

> "the very serious situation arising from indiscriminate use of force by the police and goondas on the people—assembled peacefully at Kayamkulam in Travancore-Cochin State—on 17th November with a view to disrupt the election campaigning by intimidating non-Congress political parties".

**Dr. Katju:** I have got no information, Sir, on that point, whether there were any meetings on that date. The whole thing took place on the 13th and the 16th, according to my information.

**Mr. Speaker:** The point about which I feel difficulty is that the incidents may have taken place on the 13th and 16th, as described by the hon. the Home Minister, but the allegation is definitely about some incident on the 17th. The possibility is there that there might be some mistake as regards the date and even the incident in the motion itself or else the hon. Minister.....

**Dr. Katju:** I shall make further enquiries about the 17th. Otherwise, from the long telegram received there is no indication that there was anything on the 17th. If my hon. friend insists that something did take place on the 17th and he is not mistaken, then I shall further enquire.

**Shri Sarangadhar Das** (Dhenkanal—West-Cuttack): May I submit, Sir.....

**Mr. Speaker:** Let me know first the facts. It is not a question of law to be discussed.

**Shri Sarangadhar Das:** In view of the fact that.....

**Mr. Speaker:** I do not want arguments. I should like to know from Mr. Mukerjee himself who has tabled the motion and from Mr. Nair as to what incidents they allege.

**Shri N. Sreekantan Nair:** Our definite information is that it was on the 17th, though the president and speakers were the same in both the meetings. The matter is also the same, with this difference that the version that has been placed before this House is not correct.

**Mr. Speaker:** Order, order. We do not know that. At least, I do not know about it. The whole point, as I understand, is that the hon. Members are relying on Press reports.

**Shri N. Sreekantan Nair:** No, Sir.

**Shri H. N. Mukerjee:** We gave notice of the Adjournment Motion after, as I told you, we got a telegram from Mr. A. K. Gopalan, and that mentioned the date 17th. I do not know if there was an error—typographical or otherwise—as far as that goes, but the incident relates to what happened in Kayamkulam under similar circumstances.....

**Dr. Katju:** I understand the speakers are the same and the persons arrested are the same.

**Shri H. N. Mukerjee:** I wish to submit however, Sir, that the Home Minister has given a version which merely says that it was a students' disorder and had nothing to do with political parties.....

**Mr. Speaker:** I think it is premature to go into that just at present, unless it is conceded that he refers to the same incidents which are referred to in the Adjournment Motion. He is very specific that, according to him, nothing happened on the 17th.

**Shri S. S. More** (Sholapur): No, Sir.

**Shri Sarangadhar Das:** I was going to point out that the Minister had not stated whether he has written to Travancore-Cochin that this incident is reported here as having occurred on the 17th. Did he mention that date or just.....

**Dr. Katju:** May I just add that I telegraphed the whole of the text of the Adjournment Motion to the Travancore-Cochin Government and in reply to that, got a long telegram.

**Shri S. S. More:** You may have committed a mistake.

**Mr. Speaker:** Somebody has committed a mistake and I shall not commit the mistake of consenting to this adjournment motion. We will now proceed to the next business.

**Shri H. N. Mukerjee:** Let me have an opportunity of stating certain reasons why you perhaps might be persuaded to permit it.

**Mr. Speaker:** No, I do not think so. The case is very clear. I was myself doubtful and felt that this was a case which was entirely—perhaps substantially—a question of law and order in a State and the adjournment motion could not be moved.

**Shri H. N. Mukerjee:** If I may submit.....

**Mr. Speaker:** Let me finish. Then he may submit and I shall hear him. As the adjournment motion referred to two important matters, one, the election campaigning carried on presumably on party basis which might have repercussion in the whole of India, and the other, the presence of the Home Minister, I thought I should have a clarification of the facts here from the Home Minister himself. A further complication which I also now gather from him—apart from the fact that it is entirely a State subject, a law and order position which cannot and should not be discussed here—is that some proceedings are taking place. That is also a further complication and I do not propose to have those proceedings prejudiced one way or the other by any kind of discussion in this House. But these are separate things. I do not give my consent to this motion as I do not think it falls, *prima facie*, within the scope of the jurisdiction of this House to discuss a matter of this type. And it appears further to me that those who are moving the adjournment motion are not specific by any further personal or other reliable information on the point. They are not in a position to contradict what the Home Minister has stated.

**Shri N. Sreekantan Nair:** We are in a position to contradict.

**Shri H. N. Mukerjee:** We are very specific in regard to the relevance of this matter to the election campaign which, as you yourself said, may have an all-India repercussion. And it is in regard to that, Sir, I submit that it is just after the completion of the panchayat elections and on the eve of general elections when the different opposition parties were coming to an agreement for fighting the ruling party —it is exactly at that point—that certain incidents happened. We have got a different version about those incidents. That being so.....

**Mr. Speaker:** Let us not go into that. I do not think I can give my consent.

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## BUSINESS OF THE HOUSE

**Mr. Speaker:** We will now proceed with the legislative business.

**Dr. Lanka Sundaram** (Visakhapatnam): Sir, before you call the hon. Minister to move his motion that the Dhoties (Additional Excise Duty) Bill be taken into consideration, may I make a submission for your ruling? This Bill was introduced, as you know, the day before yesterday afternoon. It was circulated along with the revised agenda yesterday morning. Yesterday being Sunday, there was practically no chance for any hon. Member to submit any amendment if he wanted to on this Bill. I am seeking your guidance, Sir, whether you, as the custodian of the procedure of this House, cannot give any direction or lay down any procedure under which the Government would always place the Bills at least 24 hours before, for sending in amendments.

The second point is, everyday the order of Bills is being changed and it causes a lot of difficulty to the Members, for they are unable to get ready with the business.

**Mr. Speaker:** I could not hear the second point.

**Dr. Lanka Sundaram:** The second point is, Sir, that while Bills are under discussion, the following day fresh Bills are being brought in owing to the revision of the agenda. There is a certain amount of confusion and hon. Members do not know which is going to come first and which next.

**Shri S. S. More** (Sholapur): Sir, I would support the point of order raised by Dr. Lanka Sundaram. I would rather refer to Rule 74 of the Rules of Procedure, as amended by you, and particularly to proviso (2) of this rule. It says when a Bill is moved certain motions may be made, and proviso (2) says:

> "Provided further that no such motion shall be made until after copies of the Bill have been made available for the use of Members

and that any Member may object to any such motion being made unless copies of the Bill have been so made available for two days..."

So, I second what Dr. Lanka Sundaram said. The Bill was moved on the 21st; 22nd happened to be a holiday and the Bill was circulated to us yesterday morning. Thus two clear days have not intervened between the introduction of the Bill and the motion for consideration.

Sir, you will remember when the other Bill was taken up day before yesterday I took objection that certain documents mentioned in the Statement of Objects and Reasons were not circulated to us. In spite of that fact, the Bill was proceeded with. When the House is already in possession of that Bill, in the consideration stage, how can Government switch this House to some other Bills without giving prior notice or proper motion before the House itself? I submit for your consideration that while the House is considering a particular measure, if its consideration is to be postponed to some other date, it is the business of the Government to make a motion to that effect and not the business of the Government agency or the Secretary to alter it. On this point, Sir, I would submit that we are suffering from a sort of legislative indigestion. We do not know what is going to happen to-morrow and the result will be, Sir, that we shall not be in a position to apply our minds and the Bills will be going out with too many lacunae. As a matter of fact, the whole prestige of the House will be at stake.

**Mr. Speaker:** As regards the first objection. I think it has force. I do not know why the Government wanted to have precedence for the Dhoties (Additional Excise Duty) Bill just today. I do not know why this Bill was put in.

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** The other day the Finance Minister said that we can have that Bill later on.....

**Mr. Speaker:** Which Bill?

**Shri Satya Narayan Sinha:** The Banking Companies Bill.

**Mr. Speaker:** But there the objection of Mr. More entirely goes. Because he himself urged and the Finance Minister was good enough to say that he would lay some copies or extracts —whatever it may be—on the Table of the House to help Members and with a view to enable the Department or the Ministry to have those copies or extracts ready, it became necessary to postpone that Bill. Otherwise, in the course of things that could have been taken.

**Dr. Lanka Sundaram:** May I make a further submission, Sir? It has also happened in the case of the Ancient Monuments Bill. So, it is not a question of documents being made available.

**An Hon. Member** *rose—*

**Mr. Speaker:** Let us proceed according to procedure, particularly when the rules are pressed so much. One Member at a time.

**Shri S. S. More:** Since you have been pleased to refer to my point of order, Sir, I will say this. After you left the other day, and the hon. Minister was completely heard, I again agitated that point of view and the Deputy Speaker who happened to be in the Chair practically agreed with me. Not only that, the Finance Minister also was good enough.....

**Mr. Speaker:** I am not concerned with a repetition of that. Let him resume his seat. My only point was that he himself complained today that that Bill should have come in.

**Shri S. S. More:** But they promised, Sir, to circulate the documents by Monday.

**Mr. Speaker:** Did they?

**Shri S. S. More:** Yes, Sir.

**The Minister of Finance (Shri C. D. Deshmukh):** There was a weekend in between and they were very long

[Shri C. D. Deshmukh]

memoranda. We said we will do our best and see whether we would be able to supply 500 copies; they have to be cyclostyled and so on. That is what I said.

**Mr. Speaker:** My only point was that it could not lie in the hon. Member's mouth to say that that Bill should have been taken up today, as he himself wanted the papers, which was agreed to. It would naturally take some time and therefore that Bill, though part-heard, had to be kept away till copies were available.

**Shri S. S. More:** If that was the reason the Government could as well have submitted that as the reason.

**Mr. Speaker:** The reason is plain enough.

About this Bill, I do not know how this Dhoties Bill comes in. It was clear that the Ordinances were to be taken up first. But that does not mean that the Government can put in these Bills in any order they like. The Ordinances should be taken up first and the Dhoties Bill does replace an Ordinance, it is true. They can take the Industrial Disputes (Amendment) Bill if they like; that is also an Ordinance one. Why take this Bill?

**The Minister of Labour (Shri V. V Giri):** I will move, Sir.

**Mr. Speaker:** So, we will dispose of the Industrial Disputes (Amendment) Bill now.

**Dr. Lanka Sundaram:** My point is that you should ensure hereafter that the rules are enforced so that we get sufficient time.

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** May I make a submission, Sir? Can I have any direction from the Chair as to when this Bill will be taken up since it is in the Order Paper?

**Mr. Speaker:** After the Industrial Disputes (Amendment) Bill is finished.

**Mr. T. T. Krishnamachari:** If it is finished today, Sir?

**Mr. Speaker:** One cannot anticipate things. It may be passed in two minutes or it may take two days. It all depends on how the discussion proceeds.

**Shri Tulsidas** (Mehsana West): May I point out, Sir, that the Business Advisory Committee had discussed this question and it had decided about priorities. Would it not be proper that this change is finalised after the Business Advisory Committee has decided?

**Mr. Speaker:** If this is to be done, it will mean that the House will have to disperse without doing any business today.

**Shri S. S. More:** There is the Ancient Monuments Bill.

**Mr. Speaker:** What I understood the other day was that it was decided in the Business Advisory Committee that Ordinances were definitely to be given priority. And, I do not think there is any objection now for the Industrial Disputes (Amendment) Bill being taken up. Let us first finish the Ordinances and then we shall come to the regular legislative business.

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## INDUSTRIAL DISPUTES (AMENDMENT) BILL.

**The Minister of Labour (Shri V. V. Giri):** I beg to move:

> "That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration."

With your permission I would like to make a brief statement on the provisions of this short Bill. Briefly, it provides for payment of compensation to workmen who may be laid off or retrenched by the employer. It is true that these provisions had to be given temporary legislative sanction through an Ordinance because of the serious crisis which suddenly and un-

expectedly threatened the textile industry and which, let us hope, has blown over. But, they are by no means new or of any special application to the textile industry. Government have been engaged for a considerable time in examining matters covered by the Bill. The subject of retrenchment is at least four years old and has been discussed at numerous tripartite and bipartite meetings ever since 1949.

[MR. DEPUTY-SPEAKER *in the Chair*]

Provisions, substantially similar to those continued in the Bill were included in the Labour Relations Bill, which, however, lapsed with the dissolution of the previous Parliament. The subject of labour too has been under discussion and study in consultation with all the interested parties for a fairly long period. At the last session of the Standing Labour Committee held in the month of July, the representatives of employers and workers came to an agreement regarding lay off and were anxious that it should be given statutory authority as quickly as possible. The fact that these provisions were made the subject of an ordinance should, therefore, not lead the House to the conclusion that they were suddenly conceived and hastily put into execution. They have all been discussed threadbare on numerous occasions by those who were concerned with them. Industrial establishments have from time to time to lay off workers; that is, they find themselves unable to provide work for some or all of the workers for various reasons. There may be a shortage of coal or power and the machinery may have to stop; there may be a shortage of raw materials and it may not be possible to feed the machinery adequately; or again, there may be an abnormal accumulation of the final product and it may not pay to add to the accumulation unless the demand for the product grows and absorbs the accumulation. These are only illustrative and not exhaustive of the occasions on which an employer may find it impossible to provide work for all the workers. When unemployment is caused off and on, it is clearly not possible for workers to secure alternative employment, and unless they are given the means at least for a bare existence, untold hardships will be caused to them. I am afraid it would be no argument to say that most of these occasions are beyond the control of the employer too and that there is no reason why he should be asked to pay in face of natural or unavoidable calamities. Lay-off must be accepted as an inevitable feature of industry though naturally occasions for lay-off may be few or even non-existent during certain periods, while they may be more frequent at other times. Any expenditure caused to industry as a result of lay-off must, therefore, be deemed to be a legitimate charge on industry. In order that the burden may not be too great, the Bill seeks to restrict compensation to 50 per cent. of normal wages and the duration of benefit to 45 days in a year. These and other provisions were evolved as a result of an agreement between employers and workers and are by no means extravagant. The question of retrenchment has also been long under examination and while I do not claim that the parties have come as close to each other in this matter as in the case of lay-off, I presume that each party fully understands and appreciates the case of the other. About the need for notice, and the quantum of retrenchment benefits, there is hardly any difference of opinion though I have heard some employers say that it might have been preferable to base retrenchment benefits on basic wages rather than total wages. The provisions included in this Bill are by and large based on the awards of the Industrial Tribunals and the practice adopted by progressive employers. There may be minor differences in regard to details, but they are not such as to affect the basis of this scheme. There is, however, one important point in regard to retrenchment on which there is bound to be difference of opinion. I am well aware of the demand of emplo-

[Shri V. V. Giri]

yers that the right to adjust their labour force according to needs must be theirs and of nobody else and that the necessity for retrenchment or its quantum should not be subject to adjudication. On the other hand, workers have claimed that no such right can unconditionally be conceded and that where a retrenchment results in an increased work-load on the remaining workers or in the unsatisfactory working of key departments affecting the work of all persons engaged in the establishment, it is certainly of vital concern not only to those who are asked to quit but to those left behind to face the new situation. Whatever be the respective merits of this controversy, a period of reduced economic activity and employment is not the most propitious one for the State to join the fray or to agree to a change in the existing law on the subject. Employers must no doubt be enabled to effect necessary retrenchment, but workers must have their safeguards too. The existing law is that in the event of a dispute regarding the necessity for or the quantum of retrenchment, it will be open to the appropriate Government to consider whether the dispute should be referred to an Industrial Tribunal for adjudication. Government feel that that position must be maintained for the present.

Sir, I know there is scope for criticism against the Bill for I do not think that it fully satisfies either the workers or employers. Government have, however, done their best to hold the scales even and the very existence of complaints from both sides would seem to be proof that they have borne in mind the difficulties of both. If one side wants complete freedom to make any change it considers necessary, the other insists on complete restriction and fool-proof safeguards. In such a predicament, the position of the arbitrator is by no means enviable. Employers must, however, realise that it is time that they treated, as a legitimate charge on industry, many items of expenditure, for which they had made no provision in the past. Does not the employer spend money on machines when they go out of order, and does he grudge the expenditure, merely because it brings him no corresponding returns? If he must spend money on maintaining machines, he must likewise spend money on maintaining labour, *i.e.* in assisting it to keep fit and going even when it cannot be provided with work and hence the means to earn its living. The worker, on the other hand—and this I must emphasize in no uncertain terms—has his duty side by side with his rights. If he can claim compensation, during enforced idleness, or retrenchment, he must consider it his duty to see that his employer gets the best value for the money he spends on men and machinery. While strikes may occasionally be a justifiable, or even necessary, weapon in the hands of workers, I must unhesitatingly condemn "go-slow" and, what is even more reprehensible, the tendency to slackness, which is not so glaring as "go-slow", and for that reason not so easily remediable. Let workers realise that their own prosperity is inevitably intertwined with that of the employer and that anything done to harm the employer must sooner or later necessarily recoil on them. I realise that this Bill means some additional burden on the industry, or at any rate, on some employers who did not believe in voluntarily accepting these burdens in the past. But that burden would be more than justified if it instilled a corresponding sense of responsibility for correct behaviour in the workers. Every advantage gained by workers creates a corresponding obligation—an obligation to contribute in a fuller measure to the prosperity of the undertaking which has been the source of their welfare.

I now commend the Bill to the sympathetic consideration of this House.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill further to amend

the Industrial Disputes Act, 1947, be taken into consideration."

**Dr. Lanka Sundaram** (Visakhapatnam): I have listened with great care to the speech of my hon. friend the Labour Minister while introducing this Bill and it is absolutely clear to me that this Bill was brought about by the crisis in the textile industry, no more and no less.

**Shri N. Sreekantan Nair** (Quilon *cum* Mavelikkara): On a point of order, Sir, I have tabled an amendment to the effect that the Bill be sent to a Select Committee.

**Mr. Deputy-Speaker:** I have not got the amendment of the hon. Member. When did he give notice of the amendment?

**Shri N. Sreekantan Nair:** Because of the difficulty of the order of business, I gave it this morning.

**Mr. Deputy-Speaker:** What is the difficulty? Was not this Bill on the Order Paper day before yesterday? Notice of amendments to this Bill has been received as early as the 21st. I am afraid I cannot allow the amendment. Hon. members ought not to confine themselves to one single Bill and say we have absolutely nothing to do with the rest.

**Shri S. S. More** (Sholapur): The order paper of the 23rd, though dated the 19th was circulated to us much later. It is supposed to be sent on the 19th, but it was not circulated immediately on the 19th.

**Mr. Deputy-Speaker:** We have got notices of amendments on the 21st.

**Shri D. C. Sharma** (Hoshiarpur): May I know, Sir, the order in which Bills given on the Order Paper for the 23rd are going to be taken. I beg to submit, that there is a great deal of doubt in our minds. It will be very kind of you if you could tell us the order in which the bills given on the Order paper will be taken, so that we could come prepared for the right kind of Bill that will be taken up.

Last Saturday I thought we were going to discuss the Ancient and Historical Monuments Bill; but something else happened. Today we were thinking that the Banking Companies Bill would be taken up; but something quite different has happened. Will you be so kind as to clarify the matter?

**Mr. Deputy-Speaker:** Normally I take it that whatever is in the Order Paper will be taken one after another.

**Shri S. S. More:** The Order Paper is becoming a disorder paper!

**Mr. Deputy-Speaker:** With the cooperation of hon. members we are trying to make it as orderly as possible. This will be the practice. About five or six Bills will be given in the Order Paper. Hon. Members must take it as the notice and send their amendments, either for circulation, or for reference to Select Committee, or amendments to clauses.

I expect the Government, if they want to change the order on any particular day to inform the House the previous day that a particular Bill will have precedence over the rest. So that all hon. Members must be ready with respect to all the five or six Bills on the Order Paper at any time.

**Dr. Lanka Sundaram:** Subject to one point—that if they change the order, there should be sufficient time for hon. Members to give notice of amendments.

**Mr. Deputy-Speaker:** The hon. Member has misunderstood what I said. When five or six Bills are on the Order Paper, as soon as notice is sent to hon. Members from that time the period of notice will count, so far as giving notice of amendments is concerned. If the order of precedence of the list of Bills on the Order Paper is changed, that is not going to affect and on that account they cannot have further time.

All that I can say is that Government will tell the House the previous day that in place of one Bill they will take another.

**Shri N. Sreekantan Nair:** We cannot be expected to study all the Bills at a time.

**Mr. Deputy-Speaker:** Five or six Bills hon. Members must be prepared for at any time; it is always possible.

**Shri Sinhasan Singh** (Gorakhpur Distt.—South): The difficulty arises when the Order Paper is changed without giving any notice whatsoever. We should know at what time and on what date a particular Bill is coming before the House.

**Shri D. C. Sharma:** May I know which Bill will be taken up to-morrow.

**Mr. Deputy-Speaker:** The Bills on the Order Paper, one after the other. If Government want to change the order of priority they will announce it earlier.

So far as Bills which do not find a place in the Order Paper are concerned, unless there is sufficient, definite notice, they ought not to be included in the Order Paper. After inclusion in the Order Paper sufficient time must be allowed for amendments to be tabled. For those on the Order Paper, the priority ought not to be changed without notice the previous day at least.

**Shri S. S. More:** May I make a suggestion. The Ancient Monuments Bill is half finished. The Industrial Disputes Bill is of major importance from the point of view of labour and many hon. Members will be interested in tabling amendments. Otherwise the whole debate will collapse on such an important measure.

**Mr. Deputy-Speaker:** I am not going to change the order. The hon. Speaker asked the hon. Minister to move the Bill. Of course, I have no objection to waive notice of the amendment tabled by the hon. Member for referring the Bill to Select Committee. I now call upon Mr. N. Sreekantan Nair to move his amendment. Dr. Lanka Sundaram will stand down: he will have his chance next.

**Shri N. Sreekantan Nair:** Sir, this is a very important Bill so far as we on this side of the House are concerned. When an eminent trade union leader like my hon. friend Shri Giri was appointed to the office of Labour Minister, we naturally had great expectations. We expected that great things would be done. For two years nothing has been done. After all these years of waiting, the mountain has given birth to a mouse. Even for that we are grateful. But we want to point out that this Bill is full of lacunae and loop-holes so much so that the worker may not get any benefit at all. As a matter of fact, irrespective of party considerations, many of us on either side of the House have been discussing the Bill for the last two or three days, and every time we discuss it we find something new. Even this morning myself and Mr. Tripathi were sitting together and discussing it, and we felt that "lockouts" have to be added on to the definition for lay-off. The definition of lockout given in the Industrial Disputes Act corresponds almost to what is given here for "lay-off". Whereas in the case of a lockout the employer simply locks out without giving any reason, in the case of lay-off it is a question of deficiency of electricity or some raw material which justifies it. In the other case it is just to spite the worker that the employer locks out. There is no provision as it is by which the worker can get some redress for his grievances The hon. Minister is against adjudication. If the worker goes on strike the police intervene; they get their hands broken rather than any compensation for the lockout.

I know of certain cases in which the Labour Department intervened, as for instance in the important minerals industry more than a year ago in Travancore-Cochin. The Conciliation Officer conducted the Conciliation proceedings. But the Travancore-Cochin Government refused to implement his decisions and the matter was reported to the Labour Ministry. On 18th February, 1953 I myself wrote a letter to the hon. the Labour Minister

and I myself personally made representations also. For the last one year nothing has been done in this matter. Neither can the workers go on strike nor get redress of their grievances by any other means including a reference to the Industrial Tribunal, because the hon. Minister is against that course. He is against the legal remedy—although it is very meagre under the provisions of the labour enactment He is also not in a position to do anything material to improve the lot of the workers. He cannot, even, bring out progressive Legislation. It may be due to internecine differences in the Congress; we are not concerned with that. Even this Bill which has been brought before the House is very inadequate.

One of the most important aspects is that lay-off is mentioned but not lockout. As I said for lay-off there is some justification. But for lockout which is done just to spite the workers there is no justification. Lockout must also come under this Bill.

**Shri V. V. Giri:** May I say that I am including lockout also? I realised it.

**Shri N. Sreekantan Nair:** I am thankful to the hon. Minister. There is another important aspect which cannot be ignored and that is about the minimum number of workmen which is given as fifty in the Bill. To say that fifty workers should be working in a factory in the modern world of science is to say that the factory must be driven by human labour. A mechanised factory can run with ten hands and bring about a turnover of lakhs of rupees every month. So in the modern world to fix fifty as the minimum limit of workers is far beyond the ordinary run of industries in the rural parts, and even in developed areas. So I would ask the hon. Minister whether it would not be proper to bring down the number to twenty in the case of factories that do not employ power and ten in the case of factories that employ power. Otherwise a good deal of persons in factories which are highly mechanised would escape the benefits sought to be given by this Bill.

Another aspect is the question of two hundred and forty days' attendance. Normally there are three hundred working days in the year, excluding special holidays and all that. And out of that it may not be possible for a worker to put in two hundred and forty days. I think that has also to be brought down to about two hundred.

It is very difficult to bring out all the important aspects in a debate on the floor of the House and that is why I have suggested that the Bill may be referred to a Select Committee. But just to point out some of the most important things, in page 4 a list of workmen who are not entitled to compensation is given. One such is where it is said:

> "if he refuses to accept any alternative employment in the same establishment from which he has been laid-off, if, *in the opinion of the employer,* such alternative employment does not call for any special skill....etc."

If it is left to the opinion of the employer it will work havoc and will go against the interest of the workers. And it presupposes that in an industry an employer has the right to say whether this particular work can be done by a worker or not. Skilled and unskilled jobs would be mixed up. This additional clause will be a strangle-hold on the worker and will make it impossible for some sort of fairness and justice to play its part in the decision of the employer. That has to be omitted.

On the question of slowing down, it is a general complaint of employers all over India. All employers, whenever they have a chance, say it is deliberate slowing down on the part of the workers. Even allowing the employer to bring that accusation, there must be provision for some equity. Provision to make it 'deliberate' on the part of

[Shri N. Sreekantan Nair]

the worker, is omitted here. Some of my friends on either side of the House think that the whole sub-clause should be deleted—clause 25E. It should at least be 'deliberate slowing down'.

Again, in regard to the procedure for retrenchment, it is mentioned "unless for reasons to be recorded" etc. If it is put in that satisfactory reasons should be recorded there will be some safeguard for the worker. There are several such amendments tabled, including the question of *badli* workmen.

That is a very important question. I think in the textile industry more than 20 per cent. of the workers are *badlis*. They come to the factory everyday and they may get ten or fifteen days' work at the most in the month. But all through the year they come and go back. They are a necessary adjunct to the production of the factory and are persons who fill up the vacancies there by attending the factory almost everyday in the year, getting half or one-third of the wages. Such workers deserve consideration. My friend Shri Vittal Rao has put in an amendment that if in two years they have put in 350 days work, they must be entitled to the benefits of this clause.

These and several other items are to be brought in. All these aspects cannot be discussed adequately on the floor of the House. So I suggest, if it is not objectionable to the hon. Minister, that the Bill may be referred to a small Select Committee of seven people with the hon. Minister.

I beg to move:

"That the Bill be referred to a Select Committee consisting of Shri V. V. Giri, Shri Kamakhya Prasad Tripathi, Shri Khandubhai Kasanji Desai, Shri T. B. Vittal Rao, Shri Shantilal Girdharlal Parikh, Shri Shankar Shantaram More, and the Mover, with instructions to report by the 1st December, 1953."

**Mr. Deputy-Speaker:** Amendment moved:

"That the Bill be referred to a Select Committee consisting of Shri V. V. Giri, Shri Kamakhya Prasad Tripathi, Shri Khandubhai Kasanji Desai, Shri T. B. Vittal Rao, Shri Shantilal Girdharlal Parikh, Shri Shankar Shantaram More, and the Mover, with instructions to report by the 1st December, 1953."

**Dr. Lanka Sundaram:** It is clear that there is a certain amount of crisis mentality behind the Bill which is now before the House for disposal. I have said a little while ago that the crisis in the textile industry seems to have contributed more than anything else to the introduction of this Bill. I shall take up the textile industry presently. But, before I do so, I would like to invite the attention of the House to two or three important questions involved in this Bill.

In the first place, Mr. Deputy-Speaker, if you look at the definition (KKK) on page 2 of the Bill, you will find that the provisions of this definition are bound to create tremendous difficulty to the workers in particular. Lay-off has been defined as follows:

"(KKK) 'lay-off' (with its grammatical variations and cognate expressions) means the failure, refusal or inability of an employer on account of shortage of coal, power or raw materials or the accumulation of stocks or the breakdown of machinery or for any other similar reason to give employment to a workman whose name is borne on the muster rolls of his industrial establishment and who has not been retrenched;"

To my mind, the definition here in sub-clause (KKK) of clause 2 of the Bill is bound to create a situation

inviting the employers to take resort to the implications of this definition and to seek to lay off. I feel, Sir, that such a wide definition should not go into statute book. Presently, I will show how even before this Bill is passed by this honourable House certain employers in this country have taken resort to the assistance of this particular definition.

The second point to which I would like to invite the attention of the House is in regard to section 25A of the Bill, that is Chapter VA. Here, the exceptions are stated as follows:

"(1) Sections 25C to 25E inclusive shall not apply

(a) to industrial establishments in which less than fifty workmen on an average per working day have been employed in the preceding calendar month; or

(b) to industrial establishments which are of a seasonal character or in which work is performed only intermittently."

I may request the hon. Minister to tell this House why he has not included within this particular provision reference to such of the industrial establishments in this country which are in the Five-Year Plan in the public sector in particular, in order to ensure that no damage is done to these national undertakings involving tremendous amount of the taxpayers' money as investment and also hundreds of thousands of workers as operatives. I do sincerely trust that at the appropriate stage, the hon. Labour Minister will see his way to ensure that public sector is not tampered with by this Bill.

**Shri S. S. More:** You want to exclude this from this clause?

**Shri V. V. Giri:** Public sector is not excluded.

**Dr. Lanka Sundaram:** I will develop the point presently. I have before me a number of representations from the ship-yard workers. In Visakhapatnam. They have all urged that they should be brought within the definition.

**Shri N. Sreekantan Nair:** He would like them to be included. That is right.

**Dr. Lanka Sundaram:** Yes.

**Shri S. S. More:** But, he said, excluded.

**Dr. Lanka Sundaram:** I stand corrected.

Then, Sir, I wish to refer to section 25I.

It povides:

"Provided that nothing contained in this Act shall have effect to derogate from any right which a workman has under any award for the time being in operation or any contract with employer."

I have before me here a telegram and a number of letters and memoranda from the ship-yard people. As you realise, Sir, this honourable House had occasion more than once to discuss the fortunes of the ship-yard. There was a strike some time ago. Then, there were mediation proceedings and there was an award from no less a person than Justice Mahajan of the Supreme Court. You will recall, Sir, that even today after the retrenchment of every fourth man in less than 4 months, there is what is called 'nil allocation of work', a practice for which there is no precedent in any industrial establishment in this country or any other country in the world. 'Nil allocation' is a device intended to keep the workers on the muster rolls with only the pay, allowances and service conditions, but work not provided. I can give figures; for this short establishment of less than 3,000 workers, as many as 600 to 700 workers are under 'Nil allocation', for the past 3 months and it was on an extensive scale—1,600 to 1,700 workers—before the strike. In July. I am directing the attention of the House to the implications of the

[Dr. Lanka Sundaram]

definition of 'lay off' which has been sought to be enforced. I have before me a letter, as the President of the Labour Union, from the Managing Director of the ship-yard, asking my assistance in making the workers agree to the allocation of unskilled work to skilled workers, because of lack of certain facilities for completing the construction programme, even after the retrenchment of every fourth man. If you will permit me, Sir, I will develop the point because I consider that, not only with reference to the ship-yard, but with regard to other industrial establishments as well, occasions will arise very soon within the meaning of this definition in sub-clause (KKK) of clause 2 of this Bill, whereby every type of fictitious advantage will be taken by the employers to ensure that the workers are not given work. I will explain the point briefly. In the ship-yard, there is a very large section of technicians; a very large majority of them construct the ships: rivetters, welders, electricians, etc. The proposition put to me by the management is that because of certain difficulties, even after the retrenchment of 25 per cent. of the total strength of the people there in the ship-yard, these highly skilled technicians should do manual work. I am requesting this House to remember that within the meaning of this provision of the Bill, enormous damage will be done not only to the ship-yard workers, but other categories of people also. An attempt is sought to be made to compel the workers to accept jobs not within the meaning of the trades to which they are accustomed according to the terms of their employment contract.

Having said this, I would like—I shall be brief because at the appropriate stage in the clause-by-clause discussion I would like to say a few more things—to refer to a point which is worrying me more than anything else. As far as the textile industry is concerned, I am convinced that what has been sought to be given to the industry by way of reduction of these duties only a few weeks ago is now taken away and the crisis which was spreading only a few weeks ago and which was sought to be solved by the reduction of the duties, will re-emerge itself. I have no brief for the textile industry, I may assure you. What is worrying me as a national of this country is that the crisis which was sought to be averted through great sacrifices, through fiscal measures, will be repeated as a result of this measure.

There is one point. I have seen affirmations by the employers. I want my hon. friend the Labour Minister to contradict me if I am wrong. It has been conveyed to me very forcibly by certain sections that there was no agreement at all in the Tripartite Labour Conference as far as the provisions of this Bill are concerned which the hon. Minister has claimed not only in his speech, but also in the Statement of Objects and Reasons. In other words, the employers claim that they have not agreed to this question of lay off and the financial implications of the arrangement sought to be made in this provision. I would like to be brief here because at a later stage, I hope to have an opportunity to make a few observations on the relevant clauses.

**Shri S. S. More:** I do admit, Sir, that the present measure is a feeble attempt to do some justice to the grievances of labour. But, though a feeble attempt, at least we must appreciate the motive with which this Bill has been introduced in this House. But, I submit that this measure appears to be a half-hearted measure. The Minister appears to mean well to the workers; but he has not the courage to go the whole hog which is dictated by the needs and gravity of the grievances of the workers concerned. I do not propose to be very detailed in my criticisms; but, I may with your permission point out some of the salient defects.

Now, for instance in page 2, "continuous service" has been defined in clause (eee). It is said:

> "(eee) 'continuous service' means uninterrupted service, and includes service which may be interrupted merely on account of sickness or authorised leave or an accident or a strike which is not illegal or a cessation of work which is not due to any fault on the part of the workman;"

My submission is that this definition or description of service is not enough. Many more counts which are responsible for securing the absence of the worker from service and which are likely to be counted as interrupted service should be taken cognizance of and included in this part of the definition.

I would refer you to the Report which has been circulated to Members—Report of the Indian Government Delegation to the 36th Session of the International Labour Conference, Geneva, June 1953. Here in page 9 a short summary has been given regarding what transpired, and it is said:

> "While the clause relating to interruption of continuity of service was being discussed...

—though, Sir, I admit this was regarding pay with holidays, we can adopt it for this purpose also, and therefore I am relying on it—

> "... the Indian Government representative suggested that authorised leave, lock-out or a period of legal strike should not affect continuity."

Now, the Minister has explained that he proposes to include even lock-out.

> "The suggestion was, however, rejected by the Committee. The text adopted by the Committee provides that continuity of service for purposes of calculating leave should not be affected by absence due to sickness, family events, the exercise of civic rights and duties, performance of trade union duties, etc., and due to pregnancy and confinement, if the workers concerned resumed employment."

I will take you, with your permission, to page 38 in which the actual Resolution—the text—has been given. It is of such major importance that it will bear quotation. I am reading Para 8 of Page 38:

> "The continuity of service required to become entitled to the annual holiday with pay should not be affected by interruptions occasioned by sickness or accident, or such absences on account of family events as may be provided for by the appropriate machinery in each country, or military obligations, or the exercise of civic rights and duties, or the performance of duties arising from trade union responsibilities, or changes in the management of the undertaking or intermittent involuntary unemployment if the duration of the unemployment does not exceed a prescribed limit and if the person concerned resumes employment."

Then, I refer you to Para 9:

> "The continuity of service required to become entitled to the annual holiday with pay and the duration of such holiday should not be affected by interruptions occasioned by pregnancy and confinement if the worker concerned resumes employment and if her absence does not exceed a specified period."

Some of these counts on which absence is excused and is not counted for the purpose of reckoning the continuous nature of the service are some of the important family events. The marriage of a son is a family event of sufficient importance, or death in a family. Then, perfor-

[Shri S. S. More]

mance of civil duties. If there is a general election, possibly the Managers who are supposed to champion the vested interests may not give leave and the worker may be forced to absent himself from work for the purpose of recording his vote, or attending to his other civic duties. Such occasions must be considered as occasions on which absence ought to be excused, and such absence ought not to affect the continuity of service. We are members of this international organisation. We have pledged our word that we shall abide by the Resolutions of this organisation, and therefore, I do not think Government will be able to show us any cause why the whole Resolution should not be adopted with a modification as far as this particular matter is concerned.

Then, in the definition given in (KKK) and which has been referred to, there are the words "similar reason". I am happy to note that in the Amendments circulated, there is an amendment moved by my friend Shri K. K. Desai that the word "similar" ought to be deleted. It is a necessary amendment and will have to be accepted. Otherwise, the ambit of this particular Clause is restricted by the word "similar", and we do not want to restrict in the way in which it has been restricted.

Then, in the same definition, there occurs the phrase "who has not been retrenched". This may serve as a sort of encouragement, as a sort of impetus, to the attempts of the Managers to retrench a person if they do not want that worker to come under this. So, I would rather suggest that this word "retrenched" ought to be sufficiently qualified. I know there are certain other restrictions under other provisions, but I am confining our attention to this particular measure. I feel that this power of retrenchment must be sufficiently hedged in by some qualification such as "for valid or proper reasons".

Then, I would take you to the new Chapter VA which is sought to be incorporated in this measure. Clause (a) of 25A reads:

> "to industrial establishments in which less than fifty workmen on an average per working day have been employed in the preceding calendar month".

I would rather say that the limit of 50 is excessively high. The majority of the ventures in this country are small ventures, not employing a large number of persons. If the limit is placed at 50, possibly a large number of ventures will come under this exception clause and a large number of workers will be denied the right of getting the relief which this Act is (very beneficently providing.

Then I have got certain difficulties relating to Clause (b) of 25A:

> "to industrial establishments which are of a seasonal character or in which work is performed only intermittently."

This is likely to be abused. In the first case, take for instance a sugar factory or large-scale sugarcane production. For this large-scale sugarcane production, or (converting of sugarcane into jaggery, or converting of sugarcane into sugar, so many factories have been started, and they employ thousands of persons, but by the very nature of their employment, by the very nature of the manufacture in which these particular factories are indulging, they are bound to be seasonal factories, and if they are treated as seasonal factories, then all employees in such factories will be denied the benefit of this. There must be some specific limit. I am not in a position to give any concrete suggestion, but the Labour Minister with his wide and long-standing experience may be able to divine some formula by which these exceptions shall be applicable to the smallest number possible. Otherwise, large slices of enterprise will come under this exception clause and a large number of workers will be robbed of the benefit which is their due.

Then—I won't go into details—in some of the Clauses there are the words "unless there is an agreement to the contrary". A sort of agreement has been referred to, agreement between the employer and the employee. If that agreement is brought in, it will be very easy for the employers to evolve a standard formula of agreement and to take the signature of the employee. Possibly the employee is suffering from chronic unemployment. His signature will be taken on that standard form, and then this agreement—this unjust agreement, this agreement which will be treading on the toes of the workers' interests—will be flung at him and possibly at the Labour Minister, and it would be said: "Well, whatever you might have provided in this particular legislation, there is this agreement between the employer and the employee which guarantees this particular clause". This agreement cannot be just because the parties to the agreement are not equal parties. One is a vested interest, a factory-wallah, running a large concern, and the other fellow suffering from chronic unemployment. So, he will be persuaded to sign any sort of agreement, and he will not even wait for a minute to look into the conditions of the agreement. Therefore, no agreement should be recognised unless it is decided by a Tribunal or some other authority in which the workers shall be represented that the particular agreement is fairly in the interests of both and much more in the interests of the worker. Otherwise, this "agreement to the contrary" would be utilised as a sort of instrument to evade and avoid the beneficent and salutary principles of this legislation.

I need not labour on this particular measure at greater length, because I know there are many persons who have specialised in this field and are keen on making their own contribution. All these are my first impressions. I feel that if the Labour Minister will be pleased to accept the motion for referring the Bill to the Select Committee, consisting of a small number of persons as the Mover of that motion has suggested, the Select Committee will be in a better position to apply its mind, to take into consideration the *pros and cons*, and take into account the implications, either remote or immediate, of the provisions of this Bill, and place before this House its well-considered report, which will constitute an important contribution to the labour legislation of this country.

**Shri K. P. Tripathi** (Darrang): I welcome this measure which has been introduced by Government. It was long awaited, and awaited in a better form, though in the form in which it has been brought before us, it will obviously bring some relief to the labour of this country.

For the last few years, it has been found that the industry in this country has been developing the art of lay-off and retrenchment, for the purpose of unloading losses on labour. I had the occasion last year, to bring to the notice of the Government, and particularly the Commerce Ministry, the way in which the prices of tea had been manipulated in England, and brought down, causing a serious crisis in India. The result was that the industry had to bear the loss, but as the industry would not bear the loss, it manipulated by a process of lay-off and retrenchment, to unload the losses on labour. In addition, it brought to bear a big pressure on Government, with the result that ultimately Government had to bow down and reduce the duty. By this double process, the industry succeeds, on the one hand, in forcing Government to reduce duties, and on the other in forcing the labour to suffer the loss. It was calculated that the loss suffered by the industry was about 10 per cent, and that loss was saddled on the country, either on Government or on labour. You will be surprised to hear that

[Shri K. P. Tripathi]

in 1952, which was a crisis year in the tea industry, it was found that 80 per cent. of the gardens made a profit. Is there any record on earth, in which we can find that in a crisis year, when the industry itself is faced with a terrible crisis, it turns out a profit in 80 per cent. of the units that are functioning? Even in ordinary circumstances, only 90 per cent. of the units should make a profit, while the other 10 per cent. makes a loss. But if, as admitted by the Industry itself, nearly 80 per cent. of the gardens made profits, that shows that the losses were borne unfortunately by some other sectors, which should not have borne them. It was found that Government had to shoulder the loss to the extent of about Rs. 3 to 4 crores, while the loss borne by labour went into several crores.

The same art was practised in the case of jute; the same thing was practised again in the case of textiles, and other industries as well. Therefore, this has been a chronic and dangerous way, adopted by the industry, for solving the problem of slumps. Government were also helpless, as they had no legislation to protect themselves and labour, and so they had to yield in such cases. It is therefore, for us to find out by what method this tactics can be obviated and checkmated, because in private-owned industries, it will always be possible for the industry, if it is a good combine, to unload the losses on society. The other day, I was reading a book by Mr. Kupp, called 'The Social Cost of Private Enterprise', wherein it was shown that private enterprise is supposed to be so efficient, and capable of working on less cost, because, whenever a loss occurs, it unloads all that loss on society, and therefore it suffers no loss, whereas in the other case, if it is a national industry, it cannot do the same thing, nor can it run the industry in the same economic way, as the private industry does.

It is, therefore, for us, in this twentieth century, to find out how social justice can be maintained in the face of recurring slumps. If we do not do that, it is unnecessary and useless to say that we have a labour policy. The Government, the industry and labour should sit together and find out the proper way by which this art could be put an end to. One of the ways in which Government have decided to halt this menace is by means of this legislation, which was promulgated first in the form of an ordinance. A similar ordinance would have been helpful to us in 1952, in the case of the tea industry also, but at that time, Government pleaded helplessness. In the course of the budget discussions, Government gave us a definite promise that no labour interest would be touched. But later on, when the cycle turned, Government could not protect labour and do much to defeat

[Shri Pataskar *in the Chair*]

this art. I am glad that at least in the case of the crisis in the textile industry, Government have been able to realise it in a definite way, and come forward with an Ordinance; and now this piece of legislation.

But this legislation which has been brought before us has been drafted by people, who have been drafting the provisions of the Factories Act and such other enactments. The Factories Act and its provisions were drafted more for the protection of the employers, rather than for workers. Therefore, when that phraseology which is used in the Factories Act, is also brought over to this piece of legislation, we find that it fails to provide the protection to labour, which it was intended to do. This piece of legislation is intended to provide that if, at a certain time, an industry thinks that it has to

lay-off labour, then it must compensate labour to the extent of 50 per cent. So it is the necessity of lay-off, which determines the compensation. It is not necessary to see how many days of work one has put in or not. If there is a necessity, under which an industry is suddenly forced to resort to lay-off, then it should be its duty to pay compensation to labour, so that the latter may live. Otherwise what happens is this. Suddenly a number of labourers are retrenched, and since it has a great impact on society, the purchasing power of that sector goes, and as a result, the whole sales department of this country collapses. I had a long discussion with the Economic Department of the Government of the United States of America, as to whether they expected a slump after the Korean crisis was over. They said that they did not expect any slump in American economy. When I asked them the reason for it, they said that their purchasing power was completely protected, and therefore there could be no slump. If a worker goes out, he is provided with funds from unemployment insurance; if he falls ill, there are other private insurances covering the risk; and if he becomes disabled, then there are other ways in which Government are forced to support him. Therefore, whenever there is lay-off or retrenchment, or sickness etc. the worker does not completely become powerless to purchase, and thus the purchasing power of the country is maintained. So, suddenly a slump cannot arise there. But what happens in this country. If a slump arises, the purchasing power of the people goes down, and so the industries have to collapse. That is what has been happening in our country for the last few years.

The Finance Minister the other day during the debate on Unemployment was stating here—'Oh, we cannot understand what is happening. We are trying to have a prognosis of the times, but we find that suddenly there is a fall of purchasing power and rise in prices'. These two contradictory things happening at the same time. How can it happen? Obviously, if you read the history of the industries of India for the last few years, you will find that there has been a systematic attempt to lay off losses on labour. Accordingly, the purchasing power of Indian labour has gone down to a great extent. Even if it goes down by 20 per cent. to that extent the purchasing power of the country will go down and to that extent, there will be a slump in subsidiary industries and allied industries. That slump will, again, cause further loss. It is for this reason that this piece of legislation was intended to protect the purchasing power of the workers. If that be true, then what should be our aim? Our aim should be that the determining criterion for compensation should be lay-off or the necessity of lay-off, not the criterion whether he has put in six months or one year or so many continuous years of work. This sort of defining and thereby limiting of the privilege of labour will reduce the advantage of this Act and the problem which we wanted to solve will not be solved.

What is the position of labour? Labour in India has no savings, no savings which he may utilise in old age, no savings which he may utilise when he is out of employment. Therefor, if you say that labour may be retrenched and laid off, without compensation under cloak of lay-off and retrenchment under certain criteria, then the fixing and determination of compensation go in the hands of the employer and the employer may not give it. Then what happens? It goes to a Tribunal. The Tribunal waits for three years. Now the worker has no purchasing power, no way of living. Do you think he will be able to wait for three years before he gets his wages? Obviously not. Therefore, we want a legislation, a simple piece of legislation, fool-proof legis-

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lation, which makes it abundantly clear to the Government, the employer and the worker, that as soon as this lay-off arises, the worker will be entitled to so much compensation. Let it be less, I do not mind, but let it be a known amount of compensation and an inevitable amount of compensation. If there is any doubt, then the very purpose of this legislation will be reduced. Therefore, I think that the introduction of these definitions of continuous service and all that is going to create a great deal of difficulty for the Government as well as the workers. The workers will be defrauded of their due, the Government will not be able to check the crisis and will not be able to help the workers as it wants or the economy of the State as it wants. Therefore, I draw pointed attention of the Government to this. When I heard that there was an agreement between the Government, employers and workers with regard to this sort of compensation, I felt very glad, that at least there was one agreement as a result of which there would be no future difficulties and bickerings. But I find that the very introduction of these criteria which have been brought forward from the Factories Act has reduced the purpose of this piece of legislation and these difficulties would arise. Why should there be a provision from the Factories Act? The Factories Act is intended for the purpose of enabling the employer to give certain benefits to the workers, if they have put in a certain number of days of work. That is quite understandable. But here the question is not how many days of work you put in. The question is that the employer is forced to lay-off and during the period of lay-off, the worker cannot earn. In the hills of Assam I found that the worker was laid off one day in the week. Saturday was laid off. Obviously, he could not leave the garden, because he was expected to work on Monday. He was supposed to stop work on Saturday in order to be able to be back for work on Monday. Then, if he didn't do the work, his wages would be cut, and then it was said 'His efficiency has gone down'.

The hon. Minister just now moving this Bill said that he was very sorry that there was slackness among labour. I want to point out to him the different reports...

**Shri V. V. Giri:** I did not say about slackness. I said that that was one of the charges made by the other side.

**Shri K. P. Tripathi:** The charges made by the other side are very much confused.

**Shri S. S. More:** Tenuous charges!

**Shri K. P. Tripathi:** Look at the reports of those who were investigating conditions in different industries. In the case of plantations, I can cite an example. A doctor went round and reported that the workers are in a very bad state of health; most of them are anaemic; there are many deaths at child birth. The report was such a harrowing tragedy that when the employers read it, they became red in their face and said 'No, no. This must have been drafted by a Communist'. So the Communist bogey was brought forward to defy the doctor's report.

You have gone to the foreign countries. You have seen workers in those countries. Have you seen workers in any other country more devitalised today than our workers? If they are really devitalised, is it proper for you to expect the same standard of efficiency and lack of slackness as obtain in those countries? Obviously, it is not. Therefore, I have been insisting and asking our hon. Minister to conduct an inquiry as to how far our lack of efficiency is due to the living conditions of our workers. Suppose a man does not sleep during day time. In the night

it rains. The house has not been repaired. Next morning he goes for work. Will he be able to work as efficiently? He will not be able to work.

Take, for instance, another case. You say that leave must be authorised. Now in the tea gardens, there is a rule that if a worker is ill for three days, then he is not regarded as ill at all! The illness disappears. In the criterion of the employer, there is no illness. Now, in the whole year how many three-days occur in which he cannot work because if illness which leaves no mark in the register? Therefore, if you introduce these criteria which are brought from Western conditions, then obviously you cannot mete out justice. The whole aim of the labour department of the Government of India should be to bring our labour to the highest standard of efficiency in the quickest possible time. And it is for this reason that we shall have to see why our labour is inefficient and we shall have to close the loopholes. Till that is done, the importation of these concepts in this Bill at least is wrong. I would say that the importation of this concept even in the Factories Act when you give privilege leave, is wrong. Here obviously it is a piece of social legislation which was intended for a different purpose.

Therefore, I hope that the hon. Minister would think again and the employers also would think again and if they can agree, it would be good and proper that these clauses be redrafted—I have already submitted amendments to that effect—so that the benefits which we intend for labour under lay-off might be brought to him without any bickerings and differences of opinion at the time of lay-off. Therefore, I think that if there is a worker who is on the roll of the industry, whom the employers have not thought fit to retrench earlier, whom the employers have not thought fit to dismiss earlier, then it should be the duty of the employers to maintain him during lay-off. The hon. Minister himself said that machinery is maintained by the industrialists and when it breaks down the industrialists pay money so that it may be replaced. The worker is also a machinery. He has to be repaired. He has to be kept in proper repair all the time. The repair is done by giving him food. If you deny him wages, you deny him food. To that extent, you impair' his capacity for work. Then you say that he is not working properly. Therefore, in the case of lay-off, I would say that it is very necessary that full compensation should be given. You have said that 50 per cent. compensation would be given, and, if, by chance, he could get some work even for a few days, then to that extent he must not get any compensation. He is entitled to full wages and you are giving only half compensation; and in that case, if he works for a few hours and gets a few annas, why should you deny compensation? If he works somewhere and earns something he keeps the human machine in repair and that is meant for the good of the employer. So, it is to the ultimate benefit of the employer that he works and earns. You are bringing a piece of legislation which says, 'Do not work but sit lazily'. I thought that the Government of India would bring in legislation which says, 'work'. Therefore if he gets a few days' work this should not be grudged by the employer at any stage.

With regard to retrenchment compensation—it has been said that it might be obviated by an agreement. Yesterday I was reading in the paper an editorial in which this was noticed. So long, there has been practically no agreement on these times between the employer and the worker. Henceforth, they may put in this clause and the result would be that he will be deprived of the benefit. In the tea gardens, I may tell you there is a contract for 3 years and when the contract expires after three years, he

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is sent home. But he has a right or option to continue. But, if you put in this without qualification, then obviously, it would go against all contract workers. Therefore, I have suggested that this should be qualified. If there is an option for continuance of the contract after the expiry of the first contract, then this clause should not apply. You recruit people from thousands of miles away; you bring him for three years; when he goes back he has no home. He does not want to go back. If this clause is there, by virtue of this you will be compulsorily sending him away. To that extent it would be wrong. He should not be sent away in that fashion. If he wants to continue he should not be sent away.

Then there is the procedure for retrenchment It is said, 'unless for reasons recorded....' Obviously, there should be a procedure. The procedure should be 'first come last to go'. You say that the employer shall be entitled to vary by recording a piece of reason. That is unfortunate. The employer should not do it. If he thinks that a man is more fit than the other, he is ordinarily entitled to raise him or to give him lifts. But, taking shelter under the provision of this retrenchment he shall not send the man away. There is the danger that this can be mis-applied. Therefore this should not be a cause for retrenchment. He may apply it in any other way at any other time; there are ways open to him. So, I think here is another thing which has been put in whether inadvertantly or unknowingly, I do not know.

It is said that he must report every day. If you say that he is laid-off, why is it necessary for him to come and report every day. It seems so absurd. If you have laid him off, obviously he should go. If you say that he is laid-off and that he should stand two hours a day and ask 'will you give employment?' this is wrong. There are many clauses on which we have moved amendments and at the proper time we will try to point out how and why we feel that those amendments should be accepted.

I appeal to the industry also in this respect, because we and the industry have the same thing in view, the economy of the country. We want that the economy of the industry should be sound, the labour and capital relations should be better and it is to avoid bickerings between industry and labour that we are bringing this legislation. Therefore, we think it would be possible for us to agree to a sort of legislation which would be fool-proof. For that purpose, if it is sent to the Committee which has been suggested, I have no objection.

**Shri G. D. Somani** (Nagaur-Pali): The hon. Minister for Labour just now in introducing the Bill pointed out that this question of lay-off and retrenchment is nothing new and it has been discussed in various tri-partite and bipartite conferences during the last few years. One is, therefore, surprised to find the way in which the Ordinance was promulgated and, later, the way in which the Bill was introduced in this House. One should have assumed that the question should have been given a definite shape when it had been dealt with and discussed for so many years. Even after reading the Ordinance and the Bill, one finds that there have been certain changes introduced in the Bill because there were certain loop-holes left out in the Ordinance and even now the hon. Minister was pleased to admit that he is going to table or accept certain amendments on this Bill.

Sir, what I wanted to convey was that it would have been far better that instead of hastily rushing through this Ordinance and this Bill, an opportunity should have been given to the Standing Labour Committee or to the representatives of labour and the employers and the provisions of this Ordinance and the

Bill should have been shown to them and their opinion invited. Then, we would have had before the House a Bill based on the closest scrutiny of those who are interested and the necessity for pointing out the loopholes and drawbacks would not have arisen

Now, Sir, coming to the principle of the Bill. My hon. friend, Dr. Lanka Sundaram, just now pointed out that the necessity for this Bill arose—and the Minister himself admitted it—from the serious crisis with which the textile industry was faced. My friend, Dr. Lanka Sundaram has already drawn the attention of the hon. Minister to how the difficulty of the industry will be further aggravated by this Bill. At a time when the industry needed certain relief to tide over the crisis, the way in which the industry is being further burdened will certainly add to its difficulties.

Sir, the previous speaker, the hon. Mr. Tripathi was pleased to point out how the various industries in times of crisis or even in normal times try to unload their losses on labour. There is also an impression in other sources, how various industries try to manipulate their working by resorting to temporary closing downs or curtailment of production to suit their own needs. But, I would, Sir, most respectfully like to clear this impression because it is as much in the interests of the mill or the factory as in the interests of labour that their production must continue on the highest possible efficiency. Sir, the mill-owner or the factory owner suffers much more than any other interest in curtailing production or closing down his factory or his mill. Therefore, it is only after all other avenues are exhausted that a mill owner or a factory owner will switch over to closing down shifts or curtailing production. Therefore, to say that any industry will wilfully manipulate its policy of loading its losses on labour by resorting to closing down of shifts or curtailment of production can hardly be justified or substantiated by facts.

Sir, coming to this Bill, I would like to draw the attention of the hon. Minister for Labour to the textile industry in Bombay. The textile industry in Bombay is regulated by the Bombay Industrial Relations Act and the position now would be that so far as the quantum of compensation is concerned, this amending Bill will supersede the respective sections of the Bombay Industrial Relations Act.

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I submit, Sir, that this is a very unsatisfactory state of affairs. Whenever an occasion for lay-off or retrenchment will arise, it will be quite in order for a particular mill to pay its labour according to the schedule laid down in this Bill, but there is nothing to prevent the local Government or the workers from dragging that mill to the court further to enquire into the circumstances under which the factory has been closed or the production has been curtailed. There is no end to this procedure and it will lead to all sorts of complications and confusion because the same curtailment or closing down of shifts will be governed by two Acts—by the Act we are considering today and by the other Act that we have in the Bombay State. It will therefore be better for the smooth working of the industry that attention should be paid to the fact that, so far as the laying off or curtailment is concerned, this matter should end there and then as soon as the workers have been paid compensation. This is a point to which I hope the hon. Minister will give serious attention so that unnecessary complications may not arise.

Before going to certain points in the body of the Bill, I would also like to draw the attention of the hon. Minister to Section 33 of the Industrial Disputes Act. I understand that assurances have been given by the Government from time to time that whenever an opportunity will arise to amend this Act, that opportunity will also be taken to amend the restrictive provisions of this Section so that the present unsatisfactory situation may be remedied. The conditions in the

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industry are at present very difficult. Complaints have been coming in and representations have been made to the hon. Minister from time to time about the difficulties under which the various industries are acting at present due to this Section, and I hope it will be possible for him to ensure that the assurances that were given by the Government about amending Section 33 of the Act will be implemented as early as possible.

Coming to this Bill, firstly, in page 2, in the explanation to clause (kkk), it is laid down—

> "Every workman whose name is borne on the muster rolls of the industrial establishment and who presents himself for work at the establishment at the time appointed for the purpose during normal working hours and is not given employment by the employer within two hours thereof shall be deemed to have been laid-off within the meaning of this clause;"

I wish to draw the attention of the hon. Minister to a complication or difficulty that might arise by this explanation. So far as one can see, the intention for paying compensation for lay-off is in case a factory or department is to be closed or the production is to be curtailed for a certain number of days. For example, in a mill where there are about 2000 looms, 1000 weavers are employed. It so happens that certain looms have to remain idle for a certain number of hours because the beams are not available for that period. Here a maximum period of 2 hours has been provided and the difficulty will arise that if a weaver has presented himself at the factory in the morning and he is not able to get the necessary beam tied up to his loom within two hours, then that worker will have to be regarded as 'laid-off' and compensation will have to be paid to him according to the schedule laid down under this Bill. I don't think that such types of piece workers should be allowed the benefit of this clause—so far as the fixed time workers are concerned, the question will not arise. Piece workers get their wages according to their production and even if they have to wait for the working of the looms for more than 2 hours, they should not be given compensation as provided in the schedule here. I do not think that unnecessary complication or difficulty should be added to the factory managers in having to go every day into the details of work of each individual worker who has to wait for more than 2 hours and so on and according to the present Bill, they have got to be laid-off if they have not been provided with work within two hours of their presenting themselves at the factory. I hope this anomaly will be looked into, because after all it is not intended to interfere with the day to day working of the factory.

So far as the question of wages is concerned, it has been laid down that it includes the value of any house accommodation or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of foodgrains or other articles. I have only to point out about the practical difficulty that might arise in this connection and it may not always be possible to assess the real value of the amenities provided, and so the practical difficulty arising from this should also be looked into.

There is another matter about which my hon. friend Dr. Lanka Sundaram drew attention from another point of view and that is clause 251 where it is provided that "nothing contained in this Act shall have effect to derogate from any right which a workman has under any award for the time being in operation or any contract with the employer". In this connection I would like to draw the attention of the hon. Minister to the fears that have been expressed in certain representations in Bombay in which they say that this particular provision is being interpreted to mean that in addition to the benefits and compensation to which an employee would be entitled in terms of the

existing awards or industrial tribunals, an employee on retrenchment would be entitled to benefits contemplated in the ordinance. There will be two payments by way of gratuity or compensation. I would like to draw the attention of the hon. Minister in this connection to the agreement that was arrived at at the Labour Standing Committee where it was specifically provided that no action against this lay-off compensation would lie for appeal or for any adjudication. I hope the matter should be clear that once the quantum of compensation as laid down in this Bill is paid, there should be no question of any other Act being applied for any sort of further compensation or other benefits that might, under any other law, be payable to the workers. This assurance was given by the hon. Minister at the last conference when some sort of agreement was made on this issue and I hope this assurance will be provided in the Bill itself or at least an assurance would be given on the floor of the House that so far as compensation is concerned, the quantum laid down in this Bill will completely satisfy the case and no other benefit can be claimed by the workers. I hope the position will be clarified in the Bill itself, but if that is not possible, at least an assurance may be given by the hon. Minister that whatever assurances were given in this regard will be fully implemented.

I don't want to go further into the details of this Bill. So far as the industry is concerned it has already been made clear that many of the employers have been paying some sort of compensation on these lines. The number of social legislations that we have had in recent years is well known to you all and it is therefore hardly fair to say that the industry has not been co-operating or not doing its best so far as the labour is concerned. If only one were to go through the series of beneficial measures that have been taken during the last few years he will be convinced of the general attitude of industry towards labour. The burden that has been put on the industry by this legislation is pretty heavy and is in itself sufficient vindication that the industry is prepared to bear it cheerfully. Imposition of any additional burden on the industry should now be viewed from the point of view of the present recession and its capacity to bear it, and not from the point of view of the unwillingness on the part of the industry to do its best for its labour.

[MR. SPEAKER *in the Chair*]

**ठाकुर जुगल किशोर सिन्हा** (मुजफ्फर पुर उत्तर-पश्चिम) : मैं श्रम मंत्री जी को इस बात के लिए धन्यवाद देना चाहता हूं कि उन्होंने बेकारी की समस्या को हल करने के सिलसिले में एक बिल आज हमारे सामने रखा है। बिल रखने के समय शायद उन्हीं ने उस पृष्ठभूमि का ख्याल नहीं किया जिस पृष्ठभूमि में बेकारी की समस्या हमारे हिन्दुस्तान में दिन पर दिन बदतर होती जा रही है बेकारी की समस्या इस तरह से बढ़ रही है यों तो जो बेकार होते थे उनकी संख्या तो स्कूलों और कालिजों से निकलने के बाद बढ़ती ही जाती थी लेकिन इससे भी बढ़ती थी कि किसी इंडस्ट्री से, या किसी फैक्टरी से मजदूर निकाल दिये गये और वे कहीं रखे नहीं जाते थे और उन्हें नौकरी नहीं मिलती थी, इस तरह से भी संख्या दिन पर दिन बढ़ती जाती थी। जब इस सवाल ने देश में भीषण रूप धारण कर लिया तो इसके सिलसिले में एक आर्डिनेंस निकालने की बात हुई, लेकिन जैसी कि अभी त्रिपाठी जी ने बतलाया, इस बिल को बनाते समय मजदूरों की और आम लोगों की क्रय शक्ति को बढ़ाने का सवाल सामने नहीं रखा गया और इसलिये तरह तरह के कम्पेन्सेशन की बात कही गयी : यह भी कहा गया कि अब जब कि एक ट्रेड यूनियनिस्ट लेबर मिनिस्टर हो कर आये हैं तो मजदूरों की आशायें बंधी थीं कि उनके हकों को सुरक्षित रखने के लिए बहुत से विधेयक हमारे सामने आवेंगे और उनके हकों की रक्षा होगी लेकिन जो बिल हमारे

[ठाकुर जुगल किशोर सिन्हा]

सामने आया है वह बहुत छोटा सा है और उससे हमारा काम चलने वाला नहीं है । मैं उनको इस बात का ख्याल करा देना चाहता हूं कि जो इंडस्ट्रियल डिसप्यूट्स ऐक्ट अभी मौजूद है उसके और जिसके संशोधन के लिए उन्हों ने यह बिल रखा है, उसमें वर्कमैन की डैफीनीशन में ही इतनी कमी रह गयी है कि जिस की वजह से दिन प्रति दिन झगड़े खड़े होते हैं । मजदूर हाईकोर्ट में जाते हैं। सुप्रीम कोर्ट में जाते हैं पर उनसे वहां यह कहा जाता है कि तुम्हारा मामला वर्कमैन की डैफीनीशन के अन्दर नहीं रखा जा सकता है । पत्रकारों के सम्बन्ध में भी अभी एक मामला हुआ था । उस सम्बन्ध में इस सदन में भी बहुत से सवाल पूछे गये और यह कहा गया कि इंडस्ट्रियल डिसप्यूट्स ऐक्ट तरमीम होने वाला है और उसमें इस बात की भी कोशिशि की जायेगी कि पत्रकारों का भी उसमें समावेश होगा । आज हमारे सामने यह बिल है और हम वर्कमैन की डैफीनीशन में तरमीम कर सकते हैं और उन पत्रकारों को भी उसमें डाला जा सकता था जिनका कि केस सुप्रीम कोर्ट के सामने और हाईकोर्ट के सामने खर्चा ज्यादा होने की वजह से सफलतापूर्वक नहीं लड़ा जा रहा है । इसी के साथ साथ हमारे कुछ दोस्तों ने कहा कि कुछ सरकारी कर्मचारी भी वर्कर की डैफीनीशन में नहीं आते । आज बहुत से सरकारी कर्मचारी छांटे जा रहे हैं। सप्लाई विभाग से और दूसरे विभागों से लोग हटाये जा रहे हैं । लेकिन मैं नहीं समझता कि अगर वर्कमैन की मौजूदा डैफीनीशन रहेगी तो उनका केस उसमें देखा जा सकता है ।

अभी बिहार में जमींदारी ले ली गयी है और जमींदारी लेने के सिलसिले में करीब दस हजार कर्मचारी वहां बेकार कर दिये गये । सरकार ने जमींदारियों को लिया, उसके बाद दूसरे दूसरे आदमियों को भरा और इस भरने में इस बात का ख्याल नहीं किया गया कि जो पुराने कर्मचारी हैं, जो अपना घर छोड़ कर आये हैं, और जिन की जीविका का यही सहारा था, और जिनके बच्चे शहरों में पढ़ रहे थे, उनका क्या होगा : जब आर्डिनेन्स बनाया गया तो यह उम्मीद की जाती है थी कि इस आर्डिनेंस को रिट्रास्पेक्टिव इफैक्ट दिया जायगा यानी इसको दो वर्ष पहले से लागू किया जायगा जब से प्लानिंग कमीशन की बात हुई और बेकारी को दूर करने की चर्चा हुई । तो आगे जो बेकारी होने वाली है उसकी बात तो दूर रहीं, जो काम में लगे हुए हैं अगर उनको सरकार बेकार करती है, यो उनको कोई इंडस्ट्रियलिस्ट बेकार करता है, या वह किसी और तरह से बेकार होते हैं, तो मैं नहीं समझता कि जो प्लान आपने बनायी है उसमें आपको कहां तक सफलता मिलेगी । मैं यह कहना चाहता हूं कि जब इंडस्ट्रियलिस्ट्स ने यह सुना कि बेकारी की समस्या भीषण रूप धारण कर रही है और इस सदन में और बाहर भी रिट्रेंचमेंट के खिलाफ आवाज उठ रही है, तो उन्हों ने अपने यहां से बहुत से लोगों को हटाना शुरू कर दिया और यह बहुत बड़े पैमाने पर किया गया । अभी हमारे एक मित्र ने कहा कि मिल मालिक नहीं चाहते कि उनका काम खराब हो । उन्हों ने कहा कि हम लोग वैसे छटनी करना नहीं चाहते, लेकिन जब मजबूर होते हैं तभी छटनी करते हैं । मैं उन्हीं लोगों के हित की बात करता हूं और उनको अपने हित की बात माननी चाहिये । लेकिन वह मानते नहीं हैं क्योंकि वे उसको ठीक से समझते नहीं हैं । मैं यह बात उन्हीं के लाभ के लिए कहता हूं, इसमें मेरा अपना कोई लाभ नहीं है । गया में एक शुगर मिल है जो मिल मालिकों के मिस-मैनेजमेंट की वजह से लिक्विडेशन में आ गई । उसके बाद कोआपरेटिव में उसका लीज लिया और उसके बाद पहले जितने मजदूर वहां काम

करते थे उससे दश प्रतिशत अधिक रखे जब कि बिहार में दूसरी फैक्टरियों में दस प्रतिशत मजदूर कम लिये गये हैं। और इतना होते हुए भी जहां उस मिल में सालों से नुकसान होता था वहां उन्हों ने तीन लाख का मुनाफा दिखलाया है। मैं समझता हूं कि इस से हमारे मिल मालिकों और उद्योगपतियों को शिक्षा लेनी चाहिए कि ज्यादा मजदूर रखने से उनको नुकसान नहीं होता है बल्कि उनका फायदा होता है जैसा कि बिहार में कोआपोरेटिव ने करके दिखा दिया। लेकिन मिल मालिक इस बात को नहीं समझते इसलिए यह दिक्कत है। हम तो उनको यही समझाना चाहते हैं कि ज्यादा मजदूरों को रखने से उनको फायदा ही होगा। बहस के लिए वह कह देते हैं कि अगर हमको नुकसान होगा तभी हम छटनी करेंगे वैसे नहीं करेंगे लेकिन वह करते जा रहे हैं।

दूसरी बात जो इस बिल में नहीं है वह यह है कि ऐवरेज पे के बारे में कहा गया है कि पेड और पेएबिल। यह इसमें नहीं है कि तीन महीने के अन्दर जो पे एबिल हो या पे किया गया हो। अतः मैं कहना चाहता हूं कि सिर्फ पेड और पेएबिल नहीं बल्कि जो मंथली पेमेंट किया गया है उसका रेट होना चाहिए। जो उस महीने का रेट रखा गया है अगर उसको जोड़कर रखते तो ज्यादा साफ होता।

तीसरी बात यह है कि तीन महीने के अन्दर बहुत से पेमेंट बाकी भी रहते हैं। ऐसी हालत में दिक्कत होगी सिर्फ पेड रखने से। इसकी ठीक लैंग्वेज क्या होगी यह तो मैं नहीं कह सकता क्योंकि मैं वकील नहीं हूं, आप इसको ठीक करवा लें लेकिन मैं इतना ही कहना चाहता हूं कि अगर आप पेड रखेंगे तो मजदूरों को बहुत दिक्कत होगी और वह परेशान हो जायेंगे

दूसरे वेज के सिलसिले म यह बातें कही गयी हैं कि और जो रियायतें उन को मिलती ह, उन को भी इस में जोड़ दिया जाय। इस सिलसिले में हमारे दोस्त सोमानी जी ने कहा है कि किस तरह से उस का हिसाब होगा, किस तरह वाटर सप्लाई का, लाइट का और दूसरे सवाल तय होंगें ; किस तरह से इन सब का असैसमेंट होगा। मैं इस में उनके साथ राजी हूं। इसलिये मैं कहना चाहता हूं कि जितनी लोगों की पे हो, उस के ऊपर १० पर सेंट फ्लैट रेट इस अमैनिटीज के लिये कनसीडरेशन कर के जोड़ दीजिये और कह दीजिये कि इतने की अमैनिटीज उन को मिलती। इस तरह से हिसाब करने में किसी तरह की दिक्कत नहीं होगी, किसी तरह का झगड़ा नहीं होगा।

वेजेज के सिलसिले मे जिन अलाउंसेज को आप ने रखा है, उस में आप ने प्राविडेंट फंड को नहीं रखा है। वह रखना चाहिये, क्योंकि जितना प्राविडेंट फंड का पैसा मजदूर अपनी तरफ से जमा करते हैं, एम्प्लायर्स की तरफ से भी उनको मिलता है। इसलिये तीन महीने का जोड़िये या जो कुछ भी चाहें जोड़िये, लेकिन इस प्राविडेंट फंड का भी पैसा उन को मिलना चाहिये। अगर और अमैनिटीज के साथ प्राविडेंट फंड नहीं जोड़ते हैं तो सामाजिक न्याय नहीं होगा।

ग्रैच्युइटी के बारे में जो बात कही गयी ह और कहा गया है कि लोग प्ले आफ किये जावेंगे या रिट्रेंच किये जावेंगे, इस में भी मैं त्रिपाठी जी के साथ हूं कि यह रिलीफ देने की बात समझी जा रही है, बेकारी का हल करने की बात समझी जा रही है। हां, एक बात के लिये जरूर ग्रैच्युइटी रखी जाय। जो बूढ़ हो गये हैं, जो काम करने लायक नहीं हैं, जो डिसएबुल्ड हैं, ऐसे लोगों को छांटने की जरूरत पड़ती है, तो ऐसे लोगों को नौकरी के हिसाब से यानी साल में १५ दिन के हिसाब से या एक महीने के हिसाब से, जो भी आप रखें, उस हिसाब से दें। लेकिन जिन की नौकरी बहुत

[ठाकुर जुगल किशोर सिन्हा]

कम दिनों की है, उन लोगों के रिलीफ के सम्बन्ध एक फ्लैट रेट होना चाहिये, यानी कोई इस तरह का रिलीफ मिलना चाहिये कि जब तक उनको दूसरी नौकरी न मिल जाय, तब तक उन के लिये कुछ न कुछ प्रबन्ध रहे।

रिट्रेंचमेंट के बारे में कहा गया है कि :

"'retrenchment' means the termination by the employer of the service of a workman for any reason whatsoever"

बहुत से रिट्रेंचमेंट तो बिना किसी रीजन के होते हैं। तो फार ऐनी रीज़न या विदाउट ऐनी रीज़न, दोनों की इस में गुंजाइश होनी चाहिये, क्योंकि बिना रीज़न दिये हुए ही बहुत से लोगों को रिट्रेंच कर दिया जाता है।

इस में बोनस को हटा दिया गया है। टोटल इमाल्युमेंट्स में यह होना चाहिये। जहां तक, प्राफिट का सवाल है, प्राफिट से बोनस मज़दूरों को मिलता है। इस सम्बन्ध में दो मत हो सकते हैं कि उस को इस के साथ जोड़ा जाय या न जोड़ा जाय, उन को इमाल्युमेंट्स देने के लिये, रिलीफ देने के सम्बन्ध में, लेकिन मैं जानता हूं कि बहुत सी फैक्टरियों में अटेंडेंस बोनस मिलता है, प्रोडक्शन बोनस मिलता है और वह उनकी वेजेज का एक हिस्सा हो गया है। ऐसी हालत में अगर ऐसे बोनस को आप उन के वेतन से निकाल देते ह, तो इस का असर उन के ऊपर खराब होगा, क्योंकि वह बाराबर इतना लेते रहे हैं।

इंडस्ट्रियल ऐस्टैबिलशमेंट के बारे में यह कहा गया है मस्टर रोल में इतने आदमी रखे जावेंगे उन्हीं इंडस्ट्रियल ऐस्टैबिलशमेंट पर यह लागू होगा। मैं यह कह देना चाहता हूं, मुझे ऐसा कहने के लिये बहुत से एम्प्लायर जो यहां बैठे हुए हैं माफ करेंगे, कि बहुत सी ऐसी इंडस्ट्री हैं जो मस्टर रोल पर बहुत कम आदमी रखती है, कांट्रैक्टर के ज़रिए पे करते हैं और इंडस्ट्री का काम कराते हैं। ऐसी हालत में चाहे वह कांट्रेक्टर के ज़रिये से काम करायें, या मस्टर रोल के ज़रिए करायें, वहां जो भी काम करने वाले हैं, सब का हिसाब रखेंगे तभी मज़दूरों के साथ कुछ न्याय हो सकेगा। सिर्फ मस्टर रोल की बात कहेंगे तो कितनी ही फ़ैक्ट्रीयों में आप जायें, वहां मस्टर रोल का पता ही नहीं चलेगा। इसलिये मस्टर रोल की बात कहेंगे तो यह उन पर लागू नहीं होगा छोटी छोटी फैक्टरियों के देखने के बाद मुझे इस का तजुर्बा हुआ है।

ले आफ के बारे में कहा गया है कि बदली और कैज्युअल वर्कमैन के लिए इस की ज़रूरत नहीं है। बदली वर्कमैन के लिये तो आप ने डैफिनीशन देने की कोशिश की है। लेकिन कैज्युअल वर्कमैन के लिये कोई डैफिनीशन नहीं है। मैं जानता हूं कि बिहार सरकार में दस दस वर्ष तक काम करने वाले मज़दूर आज भी कैज्युअल मज़दूर कहे जाते हैं। दूसरी इंडस्ट्रीज में हम लोगों ने लड़कर कहीं तीन महीने और कहीं छः महीने में, जो लोग काम कर रहे थे उन को परमानेंट कराया है लेकिन सरकारी कर्मचारियों में दस दस वर्ष तक काम करने वाले जो लोग हैं वह टैम्पोरैरी कहलाते हैं। पी० डब्ल्यू० डी० में, ऐग्रीकल्चर डिपार्टमेंट में इस तरह के वर्कर्स हैं। इसलिये कज्युअल वर्कमैन को कैज्युअल वर्किंग की डैफिनीशन आप नहीं देंगे तो बहुत से लोगों को कैज्युअल करार दे कर उनके साथ इंसाफ नहीं हो सकेगा। तो या तो इस में से आप इस को हटा दें, या कैज्युअल वर्कमैन की आप कुछ डैफिनीशन दें, ताकि उन के साथ हार्डशिप न होने पाये।

इस में यह कहा गया है कि अगर कोई भी दूसरा काम मज़दूरों को दिया जाय और वह स्वीकार न करें तो ऐसी हालत में उन को रिलीफ नहीं दिया जा सकता। मैं जानता हूं कि मज़दूरों को तंग करने के लिये कुछ इस तरह

का काम दिया जाता है और वेतन कम कर के दिया जाता है कि जो उन के स्टेटस के बरखिलाफ होता है। एक फिटर को कुली का काम करने को दिया जाता है। अच्छे इंजीनियर की इस तरह का काम दिया जाता है जो उस के स्टेटस के अनुसार नहीं होता और वेतन भी उसी हिसाब से कम कर दिया जाता है और कहा जाता है कि तुम काम करो। वह उस तरह का काम नहीं कर सकते हैं, न वह उस के आदी हैं और वह उसके लायक हैं। न उन्होंने कोई उस तरह का काम करने के लिये ट्रेनिंग ली है। लेकिन दिखावे के लिये यह इस तरह का काम दिया जाता है जिस से कि वह छोड़ कर चले जायें। इस तरह की कोशिश मिल मालिकों की तरफ से होती है। तो अगर इस तरह की हालत में ले आफ जायज समझा जायेगा, इस तरह की बात आप रखेंगे तो उस से इन्साफ नहीं हो सकेगा।

यह कहा गया है कि अगर मजदूर दूसरी जगह काम करता हो तो उसे मुआवजा नहीं मिलेगा। इस तरह की हालत में मालिक और मजदूर दोनों में यह कंट्रोवर्शियल और विवादस्पद बात होगी। वह दो आदमियों को ले जा कर खड़ा कर देंगे और कहेंगे कि हम ने इस मजदूर को काम पर रखा है। इसके लिये वह बेचारा मजदूर कैसे इंडस्ट्रियल डिसप्यूट ट्रिब्यूनल के सामने जावेगा इस लिये इस कलाज को इस में से हटा देना चहिये।

दूसरी बात स्लो डाउन और स्ट्राइक के बारे में कही गयी है। उस के लिये अगर ले आफ करना पड़ेगा तो मजदूरों को मुआवजा नहीं मिलेगा। हम सब चाहते हैं और सरकार चाहती है कि स्ट्राइक न हो और प्रोडक्शन बढ़े। लेकिन इस तरह की हालत में तो आप जो मजदूर स्ट्राइक पर नहीं हैं उन को भी आप स्ट्राइक के कुछ लोगों के साथ बिठा देते हैं उन को आप बेकार कर देते हैं। तो वह तो समझेंगे कि हम न तो इधर के रहे और न उधर के ही रहे। हम ने स्ट्राइक का साथ नहीं दिया, आप का साथ दिया और प्रोडक्शन बढ़ाने की कोशिश की। लेकिन उन को आप मिल से बाहर करते हैं और कहते हैं कि तुम्हारे लोगों ने स्ट्राइक किया, तुम भी निकलो, तुम को हम काम नहीं देंगे। यह चीज अच्छे इंडस्ट्रियल रिलेशन्स के लिये ठीक नहीं होगी। जहां तक स्लो डाउन का सवाल है, इस के सम्बन्ध में सरकार ने कहा है और नेहरू साहब ने भी अपील की है कि स्लोडाउन अच्छी चीज नहीं है। लेकिन मैं आप से पूछना चाहता हूं, अध्यक्ष महोदय, कि मजदूर क्या करें। उस के सामने इंडस्ट्रियल डिसप्यूट्स ऐक्ट है, उस के अन्दर कनसलियेशन मशीनरी है। उस के बाद ऐडज्युडिकेशन है, ट्रेड इंडस्ट्रियल ट्रिब्यूनल है, फिर अपीलेट ट्रिब्युनल है। इस तरह से चार चार पांच पांच और सात सात साल तक उस का मामला इन मशीनरियों के बीच में पड़ा रहता है। जब तक उन के बीच में उस का मामला पड़ा रहे तब तक वह स्ट्राइक नहीं कर सकता। अपने हथयार को वह नहीं चला सकता। दूसरी तरफ मिल वाले अपीलेट ट्रिब्यूनल का हुक्म ले कर किसी को भी छांट सकते हैं, किसी को भी हटा सकते हैं। लेकिन उस इंडस्ट्रियल डिस्प्यूट ऐक्ट में यह प्रावीजन कहीं नहीं दिया गया है कि मजदूर चाहे तो इंडस्ट्रियल डिसप्यूट ट्रिब्यूनल की इजाजत लेकर कभी भी स्ट्राइक कर सकता है, बल्कि ले आफ का प्रावीजन इंडस्ट्रियल डिसप्यूट ऐक्ट में है। छः छः सात सात साल तक किसी के लिये इन्तजार करना बड़ा मुश्किल है। ऐसी हालत में वह न भी चाहे तो भी स्लो डाउन हो ही जाता है। लेकिन हमारा अपना तजर्बा है कि बिहार में इस तरह की दो तीन मिलों में ऐसी बातें हुईं कि मिल वालों की तरफ से स्लो डाउन किया गया और मजदूरों को बदनाम करने के लिये कोशिश की गयी।

[ठाकुर जुगल किशोर सिन्हा]

उनकी कोशिश यह हुई कि चूंकि अपने गोदामों में उनकी चीनी भर गयी थी और उस हालत में वह यह नहीं चाहते थे कि हमारा प्रोडेक्शन जारी हो, दूसरी जगह से उनके पास आर्डर आ नहीं रहा था । इसलिये बदनाम मजदूर को किया गया कि वह स्लो करना चाहते हैं । इस सम्बन्ध में जांच की गयी तो पता चला कि यह आक्षेप गलत है, मिल मालिक स्वयं स्लो करना चाहते थे और उन्हों ने यह किया है और उलटा इलजाम लगाते हैं मजदूरों पर इसके लिये । इस तरह की कार्यवाही अगर दो, एक इम्पलायर्स ही करते होते तो मैं कदापि इस चीज को सदन के सामने उपस्थित न करता लेकिन मैं आपको बतलाऊं कि छोटे २ इम्पलायर्स की तो बात ही क्या, बड़े २ उद्योग-पति टाटा, बिरला और डलामिया ये तीन जिनकी गणना हिन्दुस्तान में सबसे प्रमुख उद्योगपतियों में की जाती है, उन लोगों की फैक्टरीज में जब तक गोस्लो नहीं हुआ है, तब तक उन्होंने मजदूरों के हक नहीं माने, वे हक जिनके बारे में आपस में एक समझौता और वायदा हो चुका था और फलस्वरूप उन पर मुकदमा चलाया गया लेकिन क्या नतीजा निकला, जहां वायदे के मुताबिक मिलमालिकों को एक एक लाख रुपया बतौर बोनस के मजदूरों को देना पड़ता था, वहां इंडस्ट्रीयल ऐक्ट के तहत मिलमालिकों पर कोर्ट में दो सौ रुपया जुर्माना किया गया, अब भला बतलाये कौन मिलमालिक दो सौ रुपया जुर्माना भुगत कर बोनस देने आदि से अपना पिंड छुड़ाना न चाहेगा और जाहिर है कि मिलमालिक जुर्माना देना ज्यादा पसन्द करते थे बनिस्बत एक लाख रुपया देने के । ऐसी अवस्था में जब मजदूर स्ट्राइक नहीं कर सकते हैं, तो अपनी जायज मांगें और हक मनवाने के लिये उनके पास सिवाये गो स्लो के और कोई दूसरा उपाये नहीं रह जाता और विवश हो कर जब बिहार में कुछ मिलों में मजदूरों ने गो स्लो किया तो मिलमालिकों में उसके फलस्वरूप खलबली मच गई । सरकार ने उनके मामले को स्वयं अपने हाथ में लिया और दोनों दलों के आदमियों को बुलाया और एक उनके सामने प्रोसीडयोर रक्खा कि आप को गो स्लो करना है तो कीजिये, आप गो स्लो कर सकते हैं जब कोई मिलमालिक समझौते और वायदे के अनुसार आपके हकों को न दे । जब कोई मिलमालिक इंडस्ट्रियल ऐवार्ड की टर्म्स को पूरा न करे तो उस हालत में आप गो स्लो कर सकते हैं, लेकिन शर्त यह है कि गो स्लो शुरू करने के पहले आपको उस मिल-मालिक को एक हफ्ते का नोटिस देना पड़ेगा । हमने इसको कबूल किया, आखिर नैतिकता का तिकाजा है कि गो स्लो शुरू करने से पहले हम मिल-मालिक को उसकी सूचना दे दें और मैं आपको और सदन को बतलाना चाहता हूं कि मेरे प्रान्त बिहार में मिलमालिकों द्वारा जो वायदे के इम्पलीमेंटेशन करने का झगड़ा चार, चार और पांच, पांच साल से चला आ रहा था और उनका इम्पलीमेंटेशन बाकी था, सारे चीनी व्यवसाय में इस गो स्लो नोटिस ने दो महीने के अन्दर पूरा कर दिया और मिलमालिकों को विवश हो कर मजदूरों के प्रति किये गये अपने वायदे को पूरा करना पड़ा । आखिर किया भी क्या जाय । लेबर डिपार्टमेंट मालूम होता है उसको इनके इम्पलीमेंटेशन कराने का कोई अख्तियार नहीं है, उसके सारे अख्तियार खत्म होगये और बिहार में जो परिस्थिति उत्पन्न हुई उसके लिये नेहरू जी को और न हमारे श्रम मंत्री गिरि को कोई ख्याल है, उन्हों ने तो उसको देखने की कोशिश की और न हो उसको हल करने की दिशा में कोई कदम उठाया, तब आप ही बतलाइये मजदूरों के पास अपनी मांगों को मनवाने के लिये जिनका वायदा मिलमालिक कर चुके हैं सिवाय गो स्लो

करने के और दूसरा कौन उपाय बच रहता है? मजदूरों को आखिर में सब तरह से लाचार हो कर गो स्लो का हथियार अपने हाथ में लेना पड़ता है और इसी तरह वह मिलमालिकों से उनके वायदों को इम्पलीमेंट कराने में कामयाब होते ह, और मैं तो कहूंगा कि इसके लिये मिल-मालिक ही जिम्मेदार हैं। मजदूरों को ज्यादा काम दे कर रिलीफ न देना बहुत बड़ी बेइन्साफी होगी इस सिलसिले में मैं यह भी कह देना चाहता हूं कि रिलीफ ज्यादा न मिलने का एक कारण ऐपेलेट ट्रिब्यूनल भी है और मैं समझता हूं कि जब तक हम ऐपेलेट ट्रिब्यूनल को खत्म नहीं करते हैं तब तक मजदूरों का कोई भला नहीं होने वाला है, क्योंकि यह देखा गया है कि मजदूर लोग मुकदमा नहीं लड़ सकते हैं और बहुत जल्दी टायर आउट हो जाते हैं और मुकदमा फैसला हो जाने की कोई मियाद निश्चित कर दें और दूसरे कलकत्ता, बिहार और उड़ीसा जहां पर आखिरी फैसला होता है वहां पर मजदूर पहुंच नहीं पाता है और करीब २ एकतरफा फैसला छंटनी आदि के विषय में हो जाता है। मैं चाहता हूं कि इंडस्ट्रियल डिस्प्यूट्स ऐक्ट के अन्दर ऐसे २ प्रोविजन जो मजदूरों के हक के बरखिलाफ हैं, नेशनल इंटरेस्ट के खिलाफ है, प्रोडक्शन के खिलाफ हैं और सामाजिक न्याय के खिलाफ हैं, उन सब प्रविजनों को हटाने और उनमें संशोधन करने के हेतु इस मौजूदा बिल में गुंजायश होनी चाहिये थी।

यह कहा गया है कि एक महीने का नोटिस देकर किसी को हटाया जा सकता ह, मैं समझता हूं कि इस तरह की किसी को हटाने अथवा अलग करने की बात आम तौर पर नहीं होनी चाहिये। बिहार में रिट्रेंचमेंट के मुताल्लिक हमने एक पालिसी अख्तियार की है जिसके मुताबिक पहले मजदूर यूनियन और मिल मालिक बैठते हैं और आपस में यह तय करते हैं कि इतनी मजदूरों की अमुक मिल में जरूरत नहीं है और आपस में एक एग्रीमेंट करते हैं और अगर एग्रीमेंट पूरा नहीं होता है तो उसको कमिश्नर को रेफर किया जाता है और मसला हल करने के लिये एक्सपर्ट लोगों की और और दूसरे लोगों की कमेटी बैठती है जो इस सारे सवाल की पूरी तरह जांच करती है और यह देखती है कि वाकई रिट्रेंचमेंट होना चाहिये या नहीं और रिट्रेंचमेंट अगर जरूरी समझती है तभी वह इसके लिये इजाजत देती है अन्यथा नहीं। मैं तो यह कहूंगा कि इस तरह का बिल न लाकर एक कलाज का बिल उनको लाना चाहिये था ताकि आज की परिस्थिति में जब हम बेकारी का प्रश्न हल करना चाहते हैं तो कम से कम जो लोग काम पर लगे हुये हैं उनको तो बेकार न करें। एक तरफ तो हम बेकारी को मिटाना चाहते हैं और दूसरी तरफ हम काम पर लगे हुये लोगों को निकालें, यह कुछ शोभा नहीं देता है। लेकिन अगर यह नहीं कर सकते हैं, सरकार में इतनी हिम्मत नहीं है कि वह इस छंटनी की बिल्कुल रोक सके तो कम से कम उसको एक मशीनरी तो ऐसी अवश्य सब जगह बना देनी चाहिये और जब तक उस की राय न ले ली जाय, उसकी प्रायर सैंक्शन न हो जाय तब तक कोई भी इम्पलायर एक भी आदमी को अपने यहां से न निकाले।

**Shri K. K. Desai** (Halar): I have great pleasure in supporting this small Bill before the House. It has been contended on the floor of the House by one of the speakers that the Bill has come as a surprise. But, I think we all know that the question of retrenchment and lay off was under discussion for the last 3 or 4 years. It was really unfortunate that this Bill has not come earlier. It is, in my opinion a sort of belated fairness to the workmen who have given their best in building up the industries as well as in the matter of production.

[Shri K. K. Desai]

Particularly after we attained Independence, I think the working classes have played a very important part in not only raising up production, but in keeping industrial peace in the country, with the result that more or less the economic and political stability of the country has been substantially assured. But, during these 3 or 4 years, I believe, from my contacts with employers' organisations and employers that they have never been as fair as they should have been. As a matter of fact, the Labour Minister would not have brought in this Bill had the employers behaved as they should have, seeing the spirit of the times and the requirements of the people. The question of retrenchment and lay off is really the nightmare for the working classes. If they are not assured security of employment, it is obvious that you cannot expect continuous and efficient work from them. An uneasiness and anxiety is always before them because they do not know, when they go to the factory the next morning, whether they are taken on work and paid wages for the day. Employers are accustomed to think in their old traditional *laissez faire* ways: if I am not able to give him work, off he goes and he need not be paid anything. But, I think, in the modern age, we must realise that the workers who are engaged in industry, have to live also. Fortunately or unfortunately, they are human beings who require to be fed so that they may live and give their service to the industry the next day. If they are not paid for lay off, what are they going to eat and what are they going to nourish themselves with? That question had been ignored. When such questions come up, they complain that if they do not work, we do not pay. But, they do not stretch a little further and ask, if they do not get their wages, does that mean that they must starve, or observe a fast? So, I think that this is a very simple Bill. It deals with only two questions: the question of lay off and the question of retrenchment. The question of lay-off has been regulated by Standing Orders to a certain extent by a sort of provision that an employee can be laid off, but he shall not be paid. Here the law lays down that if he is laid off for no fault of this, he shall be paid at least half the wages. Though it is not sufficient, I think the implication of the payment of half the wage is that on that day he must eat half. I think this is just the beginning, and therefore, I welcome it even as a small good beginning.

There is one lacuna in the Bill which I would like to point out. Suppose a factory is closed for 45 days, obviously it would be considered as lay-off. What is going to happen on the 46th day? According to this Bill, for the days following the 45 days, the workman or the group of workers who had been asked to go out will be as before, i.e., they would not be paid anything. So, I think an amendment is necessary that if after 45 days a factory does not work continuously for a number of days, the option is there for the employer to terminate the service of the worker under the retrenchment clause or to go on paying the lay-off compensation for the days the factory does not work.

It has been said by Mr. Somani that this must be finally the regulation as far as lay-off and retrenchment are concerned, and the employees should not be entitled to go to any Tribunal or Court. I think it is not fair. What does this lay down? This lays down the minimum requirements which an employer should fulfil before he decides on lay-off or retrenchment. The propriety or otherwise of retrenchment is a matter of dispute under the law, and the workers will be entitled to take up this question.

I believe the labour Minister will clarify this point.

Why had the Ordinance, now being translated into the law of the land, to come in at this stage? I think no worker would like to take wages without work. The Bill is, in my opinion, a sort of deterrent to ineffici-

ent and incompetent employers who mismanage their concerns. I who had been in touch with industrial production for the last generation can place this fact before this House, that whenever the question of retrenchment, closure or lay-off comes, I find that there are a number of mills or factories which do it every year, or every two or three years, but the majority of the factories do not either indulge in lay-off or retrenchment. They have been working continuously for the last so many years. So, it is a sort of deterrent to inefficient and incompetent managements either to set their house in order, so that they may not have to lay-off or retrench or close the factory, or induce such incompetent management to be handed over to others who can manage them properly.

I know the policy of the Government is to go in for mixed economy. Mixed economy, according to me, means that the employers and the manufacturers must play their part, honestly, competently and efficiently. If they do not do that, I do not think they have got any place in our economy.

**Dr. Lanka Sundaram** (Visakhapatnam): You are mixing up the economy.

**Shri K. K. Desai:** Now, I believe that everybody requires a little discipline. We also require discipline. Workmen also require discipline. Employers also require discipline. And if we go in a disciplined way, we can serve the interests of the country better. The old notions of *laissez faire* economics should be replaced by co-operative notions of production, efficiency and serving the need of the country.

I do not want to go into details upon different Clauses, because, when these Clauses come up for discussion before the House, I would have something to say in support of the amendments which I have tabled. The Bill as it stands at present has got my full approval and I believe the House will pass this law unanimously and the employer friends also sitting here in this House will take the Bill as something which helps them in the sense that it will gradually weed out those people who do not deserve to be manufacturers in this Republic.

**Shri Sinhasan Singh:** The Bill as it is introduced is a welcome indication of the Government's anxiety to serve the interests of the workers. We have been expecting the Labour Relations Bill for long, and the reasons are not known to us why it has not come up so far. Anyhow, the present Bill is a welcome sign that we are progressing towards protecting the interests of the labourers.

In this Bill I find one great Lacuna. It is about the seasonal industries. The Industrial Disputes Act does not make any distinction between seasonal and non-seasonal industries, and so this distinction is a thing which is not understandable to me.

[SHRI PATASKAR *in the Chair*]

In the United Provinces, the Sugar industry is playing a very great part, and it is only a seasonal industry because it runs from December to March or April at the most. Many of these factories employ over one thousand workers, and of these 50 or at least 40 per cent are permanent employees. To them even this will not apply. I would request Government to reconsider the matter and make this applicable to them also. Otherwise, they will be laid off and not paid anything. In my humble opinion, Government should reconsider the position and delete the provision in the proposed Section 25A (b) which says that the benefit of Sections 25C to 25E shall not apply to industrial establishments which are of a seasonal character or in which work is performed only intermittently.

I do not see any reason why the benefit should be limited only to industrial establishments in which more than fifty persons are employed. So far as I remember, under the Factories Act, a factory means a con-

[Shri Sinhasan Singh]

cern which employs more than 20 persons. But under this Bill, a factory or an industrial establishment will be a concern that employs more than 50 persons. Under this provision, many of the big factories would like to reduce their number of employees, and as one hon. Member from Bihar has already remarked, they are trying to get work done through contracts, and then they would reduce the numbers on grounds of rationalisation. Thus, on the muster rolls, the number of workers will be less, and with increasing rationalisation, many workers will be thrown out of employment, with the result that the benefit accruing out of this Bill will not be applicable to the workers employed in such establishments. So, I feel that the number should not be more than 20, in Section 25A (a), and any mischiefs that a factory working with 20 hands may indulge in, should also be brought within the purview of this Bill.

Analysing the Bill, as it stands, I find that I am not in agreement with Section 25E as it stands, in the Bill. Clause (i) of Section 25E lays down that no compensation shall be paid to a workman who has been laid-off.

> "if he refuses to accept any alternative employment in the same establishment from which he has been laid-off, if, in the opinion of the employer, such alternative employment does not call or any special skill or previous experience and can be done by the workmen, provided that the wages which would normally have been paid to the workman are offered for the alternative employment also;"

The term 'alternative employment' is very vague, and we do not know what alternative employment will be given to the workman. As my hon. friend from Bihar pointed out, the alternative employment offered may be below the dignity of the workman, though the wages may be the same, and it may happen that if a man who has been doing a better job before may be asked to do some work below his dignity, after he is laid off, he may pust refuse to do it. In such a case, he will have no alternative employment, nor will he have any compensation. If there is a Labour Union worker, or a man who is strong, and has his own hands and who is not liked by the employer, the latter may ask the worker, you do this work, and if you refuse, you will be laid-off, and paid no compensation. So, this provision is giving a handle to the employers to lay-off several workers in the name of offering alternative employment, which they will refuse to do.

According to section 25E(ii), no compensation is payable to a workman, who has been laid-off,

> "if he does not present himself for work at the establishment at the appointed time during normal working hours at least once a day."

Under this provision, the workman must present himself at the establishment, whatever his condition may be. If he is ill, and he sends his boy with a medical certificate, that will not do under this clause, and the worker will not be entitled to any compensation. I want to draw the attention of the hon. Minister to this lacuna, and I hope he will try to remove it.

After the worker has been laid off, he must naturally seek work somewhere, to satisfy his hunger. If he goes and finds work elsewhere, for the days on which he so works, he will not get any compensation, under Section 25E (iii). If a report reaches his employer that he has been working elsewhere, then he will not get any compensation. By means of this provision, you do not allow him to work elsewhere, and on the other hand, you want that he must while away his time, idling all the time. I do not think that this is a just provision. If he is laid-off, he must be allowed to have some alternative employment elsewhere, in order that

he may have a living wage. If he does not get a job elsewhere, then the matter rests there. But if he manages to get a job elsewhere, and begins to earn his livelihood, why should the compensation be denied to him? Under the provision as it stands, you are trying to make people idle. In these days of more and more production, you want that the workers should be prevented from working and producing something. I hope the hon. inistMer will consider this matter, and try to delete this provision, which seeks to make people idlers, because they cannot work, on account of the legal disability put on them. The provision in Section 25E (iv) is even more curious. It says that no compensation will be paid to a workman, who has been laid-off,

> "if such laying-off is due to a strike or slowing-down of production on the part of workmen in another part of the establishment."

Under this provision, a workman is going to be punished for the faults of others. In a big concern., there may be different parts, and it may happen that one part of it may be resorting to slow-down production, and may go on strike, but under this provision, the whole body of workmen in that establishment will be laid off, and paid no compensation. Why should even persons working honestly be punished for the faults of others? I therefore, feel that this provision would need reconsideration. An amendment to this effect has been tabled, and if the Bill is referred to a Select Committee, this amendment may be considered, or if the Bill is taken up for consideration here, Government may see the force of this amendment, and modify the provision suitably, so that the workers are not put to a loss, for no fault of theirs.

Under the definition of 'lay-off' given in this Bill, it may be due to shortage of coal, power or raw materials. Now these are all faults which relate to the employer and not to the employees. If for these faults a person is to be laid-off, and he seeks employment elsewhere, then under Section 25E (iii) he will not be entitled to any compensation. By one hand, you want to give some benefit to the labourer, but by the other hand, you are trying to take it away indirectly. I hope the hon. Minister will reconsider the matter, and amend the provisions in the Bill accordingly, so that there is some improvement over the position as it stands today.

Before I resume my seat, I would also urge once again for the inclusion of industrial establishments of a seasonal character, within the scope of this Bill.

**Shri Kasliwal** (Kotah-Jhalawar): One of the speakers on the other side just now stated that insecurity of employment is the nightmare of the workmen. This Bill propose to dispel that nightmare. I have heard just now speeches both from representatives of industry, and from representatives of labour, and I have come to the conclusion that the Bill, as it has been placed before this House, appears to me to be in the most acceptable form, and that the criticisms which have been levelled against this Bill have been made because of want of knowledge of the background of the Bill.

At the 13th Standing Labour Committee meeting, certain agreements were arrived at between representatives of labour and representatives of industry, as also representatives of Government, which are, I think, absolutely of the same form in which they are being implemented in the provisions of this Bill. At that meeting, the three trade union Congresses were also represented. The All India Trade Union Congress was there, the United Trade Union Congress was there, and the All-India Trade Union National Congress representatives also were there. The representatives of the different institutions of employers were there. And all of them came to a certain agreement by which 14 points were made out and Shri Sriram was authorised as the spokesman, to place all those 14

[Shri Kasliwal]

points before the Committee. The Committee accepted all those 14 points, and those points are today going to be implemented in this **Bill**. Under these circumstances, I do not think any useful purpose would be served by sending this Bill to the Select Committee.

I am aware of the criticism that has been made from all sides of the House. But I would like to put it that this Bill is the product of a happy marriage between capital and labour, and as such I maintain that the Bill as it stands, should not be disturbed in its present form. *(Interruptions)*. Somebody is saying that it is a bad product, but I consider that it is a good product.

5 P.M.

**An Hon. Member:** Who is the godfather of the product? *(Interruptions)*.

**Shri Kasliwal:** There is only one more point to which I wish to refer. Under the last clause, there is a provision to the effect that the benefits which a workman will derive from certain contracts which he has entered into with the employer will not be disturbed. If this is so, I maintain that there are certain disadvantages which accrue to an employee because of certain contracts which he has entered into with the employer. That also will have to be borne by the employee.

**Shri Bansal** (Jhajjar—Rewari): No, that is not so.

**Shri Kasliwal:** That is my personal view. I do not think that any prior agreement which an employee may have entered into with the employer should affect the provisions of this Bill. This is a way in which the employer can circumvent the provisions of this Bill.

This is all I have got to say. I oppose the motion for reference of this Bill to a Select Committee.

**Shri T. B. Vittal Rao** (Khammam): After a very long period, we have at least in this Session a piece of legislation wherein the principle of compensation for retrenchment and lay-off is recognised. This matter has been hanging fire with the Government for the last ten years. It was in the year 1943 in the Indian Labour Conference that this issue came up, but as agreement could not be arrived at, a Resolution was passed by the Ministry of Labour and it was left optional to give involuntary unemployment relief or not. Since then, this matter was being pursued. We thought that in a country where there is absolutely no protection against unemployment, where there is no provision for unemployment insurance or unemployment relief, a Labour Minister, who has once been a trade unionist, would bring in a Bill with all perfection. But, unfortunately, in the very first Bill he is piloting in this House 18 months after he became Labour Minister, there are so many shortcomings. A simple thing, this matter was discussed at the last Standing Labour Committee in the last week of July 1953. In this Bill retrospective effect could have been given. Every time we were pressing this issue in this House, what happened? He was giving us the reply that it was under examination by the Planning Commission. Before the Planning Commission, whenever any important thing was asked concerning labour, we used to get the stereotyped reply that it was under examination by the Finance Minister or Finance Ministry. But today to any proposal, the reply is that it is under examination by the Planning Commission.

Now, this amending Bill has been brought forward. I would strongly urge that it should be given retrospective effect, that is from the date the Standing Labour Committee came to an agreement. Sir, there are various employers who, due to pressure of the Unions, do not retrench. Even if they find any surplus staff, they have got a system called labour pool to which the workers are sent

and whenever there is a vacancy, these workers from there are brought and employed and during the pendency they are in the labour pool, they are paid full wages, not 50 per cent. as is being done here for lay-off. So this Bill, which should have been a most progressive one, considering the economic conditions, considering the economic crisis, falls far short of our expectations.

Then as regards the provision for retrenchment. Whenever there is to be retrenchment, I would strongly appeal to the hon. Minister that the cumbersome procedure by which reference of industrial disputes is made to Government and then by Government to the Industrial Tribunal, should be removed. If the workers think that retrenchment is not necessary, they should be allowed directly to go to the Tribunal and ask for adjudication.

Then there is no provision for workers who are in the continuous employ of certain seasonal factories. In certain seasonal factories, workers have to be continuously employed. According to the definition that is laid down, any worker in a seasonal factory is not protected. But in those seasonal factories there are workers who continuously work. So there should be some amendment and their interests should also be protected.

Regarding compensation, the Minister must have been aware of various Industrial Tribunals, various adjudicators having given an award of more than the specified amount laid down. So in the matter of compensation, it should be clearly laid down that a minimum compensation of 15 days' gratuity for retrenchment should be there so that the employers who make huge profits and who are in a position to pay, could pay better. There are so many awards to that effect also. If this is not protected by proper amendment, which I have tabled, then every employer will try to retrench with giving 15 days' gratuity.

Regarding alternative employment, he said 'if the employer does not give *any* alternative employment'. This matter has been agitating the minds of trade unionists. For instance, if a skilled worker is laid off and if he is asked to do semi-skilled or unskilled work, it would create an industrial dispute and lead to a very explosive situation. This alternative designation of work in many cases has resulted in strikes which could have been avoided. So it should be put down that a skilled worker should be given work of a similar nature, an unskilled worker should be given work of similar nature and so on.

Then there is no protection for 'badli workers'. For example, in Bombay in the textile mills, there are many 'badli' workers serving mills for two or three or four years and still they are on the 'badli' list. So I have moved an amendment that those workers who have put in 360 days of service during a period of 24 calendar months should also be eligible for this lay-off and retrenchment relief.

Then we have heard from the hon. Member, Mr. Somani, President of the Employers' Association, about a demand to amend section 33 of the Industrial Disputes Act, 1947. He has stated categorically that the Labour Minister has given an assurance to amend that section As far as we trade unionists are concerned, we are not aware of it at all. If section 33 is going to be amended, it will create a situation which will not be pleasant for the Government, for that is the only provision where there is at least a little protection guaranteed. Under this section, no employer is allowed to retrench or dismiss or discharge workers during the pendency of conciliation proceedings, or adjudication. I do not know when this assurance was given, but if this section 33 of the Industrial Disputes Act is amended, it will lead to a situation which will not be very pleasant.

[Shri T. B. Vittal Rao]

Then I want the deletion of the clause relating to laying off due to strike or slow-down. This clause should be deleted because there have been many strikes wherein the workers have got wages also for the period of strike. What happens when a certain section of workers is laid off due to a strike in another section and then the workers after the strike get wages for the period of the strike? This is a very paradoxical situation. So the whole sub-clause should be deleted.

One more thing; the amendment that the present amending Bill seeks to make should not operate to the prejudice of any rights to which the worker may be entitled under the terms of any award, agreement or contract of service where such award, agreement or contract of service provides for a longer period and more compensation should be accepted.

Regarding closures also, no specific provision has been laid down. Even today I have got so many telegrams from Howrah stating that some factories are closing down. In our place, Hyderabad, the Spinning and Weaving Mills are threatened with closure. Because the dispute is under adjudication they are not able to do so. There is not enough protection guaranteed under this. When the clauses are moved, I will be able to speak. With these few words I commend the motion of hon. Sreekantan Nair for reference of this Bill to the Select Committee.

**Shri V. B. Gandhi** (Bombay City—North): I am sure this House will be interested to know that I represent in this House a constituency which is most concerned with this measure, a constituency which is going to be most affected by this measure. Sir, I represent the city of Bombay and in particular in that city I represent that portion in which are located most of the textile mills and in which reside a vast majority of textile workers. As was to be expected, this measure today has received general support from all sides of this House. Of course, there were criticisms and those criticisms were mostly on the score that this measure did not go far enough. There were also others who thought that this was a feeble measure, a kind of a timid step. While I would agree with some of these criticisms, I would say that this measure which the Labour Minister has brought forward is distinctly a step forward. It is certainly a landmark in our social legislation, however small that landmark may be. Sir, it is not right for us to expect too much from a measure of this kind. It certainly falls short of the standards of social security which are available in other countries to workers in those countries. After all, Sir, this habit of constantly comparing whatever we do or can do for our workers in this country with whatever is being done in other countries is not a very profitable way of dealing with this question. Such comparisons, somehow or other, raise an expectation in the minds of the people that, perhaps, by legislation it should be possible to give to our workers the standards which are offered to workers in other countries. It gives rise to a kind of feeling that if such standards can be given by means of legislation, why is it that such legislation is not passed? Is it that the employers will oppose, is it that the Government is unwilling? It is all wrong, because after all what we can give to our workers and what other countries can give to their workers is determined by the productivity of labour in these respective countries. Sir, ultimately it is this productivity of labour that will determine the standards and levels of wages, the level of social security that can be given to workers in those countries. Then again, Sir, this productivity is dependent upon the amount of capital investment that is employed in the industry of that country.

I will just try to make myself a little clearer by an illustration. Now,

let us take the example of a Welsh miner. As we all know, the Mining industry in Wales is an old industry, very well established and very well organised. Supposing a Welsh miner is paid say 10 shillings a day. An American miner in Pennsylvania is probably paid 20 shllings a day as compared to the 10 shillings that is paid to the Welsh miner. Now, does it mean that the Welsh miner is less efficient; does it mean that the Government of the United Kingdom is less willing to raise the wages of this Welsh miner by some kind of legislation? Is it that the employers of miners in Wales are unwilling or will oppose any such legislation? As a matter of fact, we all know that there are no more any employers of mining labour in the United Kingdom left at present. But it is just a question to be considered theoretically. Now, why does the American miner get twice as much as the Welsh miner? Simply because, the productivity of the labour of the American miner is perhaps twice as much as that of the Welsh miner. Why? Because, again the amount of capital equipment in a Welsh mine as compared to a similar mine in Pennsylvania is perhaps half as much. That is just the reason. I will tell you that Indian labour by any standard is no less efficient. For that matter, the Indian miner is not less efficient than a miner in Wales or a miner in Pennsylvania. It is the amount of capital equipment that makes the difference. There have been hundreds and thousands of instances of the efficiency of Indian labour. It has been demonstrated beyond any question. There are hundreds of Indians actually working in the Ford factory in Detroit. The production standards of the Ford factory in Detroit are the highest in the world and in none of these Ford factories has Indian labour been refused on the score of efficiency. We all have heard of Indian farmers in California and in Canada. There they have prospered and have held their own very creditably against other American and Canadian farmers in the neighbourhood. These very same Indian farmers, who are in California and in Canada, if they return to India and try to work under Indian conditions, will lose some of their productive power. Why is their productive power affected? The men are the same and their personal efficiency is the same. We shall take an instance in Bombay. Supposing to unload a steamer in the Bombay docks it takes about 50 men two davs. Now if these same workers are transported to London and are given the same job in London, they will unload a similar steamer in one day. I will go further. Take them over to New York and a similar steamer in New York docks, will be unloaded by them in half a day. That is all the difference that capital equipment makes. Therefore, let us not blame labour. I would also say that so far as Indian employers are concerned there are certain extenuating circumstances in their behalf inasmuch as they have to function in an economically backward country, a country deficient in capital equipment, like India. Unemployment on a large scale is bad; it is bad for labour, it is bad for the community and therefore in the ultimate analysis, it is bad also for the industry. It does not matter what is the cause of that unemployment—whether it is a strike or lock-out, whether it is old-age or sickness, any large-scale unemployment is bad. It does not matter what is the nature of that unemployment—whether it is caused by lay-off, retrenchment or economic crisis, it is bad any way. My friend Shri Tripathi made a very interesting point—I am glad that that point was brought out in this debate—for he said that something must be done to maintain the purchasing power of the workers; in other words, what is called the "effective demand" of the community must be maintained.

Shri Somani has generally lent his support to this Bill and I take it as an indication of the attitude of the employer class to the measure we are considering today. He, however, made one suggestion and that suggestion was apparently well-intention-

[Shri V. B. Gandhi]

ed. The suggestion was that some kind of a fuller consideration in a comprehensive way should be given to the entire problem of compensation for labour and that some more time should be taken for such consideration. I think that will only be delaying what we are really having in view. This measure has not come any too early. I agree with Shri Khandubhai Desai when he said that this should have come much earlier and I am afraid we have to thank the crisis in the textile industry for this measure being brought before the House even at this time. This is admitted by the Labour Minister himself. However, let us not give up altogether the idea or the suggestion of Shri Somani. Let us take whatever this measure is offering at present and let us pursue the matter further in a more comprehensive way and certainly there is good argument on that score. This certainly is not the time when we should indulge in accusations either on the side of labour or on the side of employers. All this talk about 'go-slow' and slackness should be forgotten. Here we have to make this measure a success. It is a very well drafted and simple and clear measure and its success will obviously depend upon the spirit in which it is worked by both sides, that is, the spirit of co-operation, which after all is the ingredient for the success of any piece of legislation. Our position to-day is "accept what we have got and strive for more."

**Shri N. Rachiah** (Mysore—Reserved Sch. Castes): I rise to support this measure which seeks to give some relief to the workers in this country. Of course, Sir, for the past 3 to 4 years our popular Government have tried their best to see that the conditions of the workers in the country are improved. Yet, a lot is still to be done for the improvement of the conditions of the workers. If we compare the conditions—the concessions and privileges—enjoyed by the workers in India with those of the workers in western countries *e.g.* Germany and England where I have moved with trade unionists and workers and dockers and miners, I am very sorry to say that our workers' condition is far worse and it must be improved at all costs. Shri Khandubhai Desai has spoken very well and I completely associate myself with his ideas with regard to the improvement of the condition of the workers. Just now the hon. Member, Shri V. B. Gandhi, said that the employers' interests must be protected first and then only the workers' interests.

**Shri V. B. Gandhi:** I said no such thing.

**Shri N. Rachiah:** It was a tendency to protect the employer more than the workers.

**Shri V. B. Gandhi:** That is exactly what I meant: I also represent labour.

**Shri N. Rachiah:** In our country, unfortunately, it is the idlers and those who do not produce wealth in the country that are respected. It is not so in other countries; it is only the workers and labourers who are subjected to manual labour, that are honoured and respected more. Unfortunately, the dignity of labour is not considered in our country and that is the cause for the under-development of this country. I am very sorry to say that the workers' condition is worse in the southern part of the country than anywhere else. If the hon. Minister of Labour visits Mysore, I can show him where the employers of Tanning and Taxidermy industries have exploited substantially the workers. The workers have no shelter, no food and no amenities of any kind, and there are instances where workers have worked for 40 or 50 years in Taxidermy industry and still they have been capriciously and mercilessly turned out of the industry. Their children—I have seen with my own eyes and some of them are living in miserable conditions—have been street beggars after their parents have worked for 40 or 50 years. It looks to me as if this Labour Ministry

is not taking care of those workers who have been employed under such employers. These factory laws and labour laws have not been properly implemented and given effect to in their proper spirit and letter in the country, particularly in Mysore. I am very sorry to bring this to the notice of the Labour Minister.

With regard to industrial labour, I think the workers have been given some protection in India, but with regard to agricultural labour, it seems to me that nothing has been done and that this Ministry is only for industrial labour, not for agricultural labour. According to the last census report, about 25 crores of people are directly or indirectly dependent upon agriculture in this great country of ours, but the interests of the agricultural labour have been grossly neglected by our landlords and particularly by Government. It is high time that Government should bring forth comprehensive legislation to see that the lot of the agricultural labour is improved. Then only we can see nation's progress, not otherwise. The Labour Ministry may be waiting for some lands reform to bring forward some measures to improve the condition of agricultural labour. But whether such land reform comes or not, there must be some measures taken immediately to see that the agricultural labourer in our country gets a square deal. Unless their condition is improved, I am sorry to say that our country cannot progress further.

Sir, recently I have had occasion to stay in a farm in England. There every agricultural labourer, or worker, is assured of his job, or employment all through the year. He has to work for nine hours and he is equipped with a proper shelter and assured proper wages. The agricultural labourer in Germany gets two or three marks per hour; in England an agricultural worker gets more than Rs. 2 per hour. That means for nine hours of work he gets not less than Rs. 15 a day. Such is the state of affairs in Western countries. Compared to that the lot of industrial labourer as well as agricultural labourer in our country is pitiable. At any rate that is my feeling after my visit to those countries. I urge upon the Lobour Minister to look after the interest of these agricultural labourers and bring forward a comprehensive measure to safeguard the interest of these unfortunate people.

Let me take my own State. The price of paddy was only Rs. 9 per palla. It went on increasing and in the course of four or five years it has touched Rs. 22 per palla. Only the landlord has reaped all the benefits of this rise, and the agricultural labourer has not been able to share any portion of it.

Again, Sir, in Western countries they have so many kinds of social legislation. I am very happy that our Government has made a beginning in this direction to improve the lot of industrial labour. I am glad that Government has come forward with this Bill replacing the ordinance. After all an ordinance is a temporary one. Though some Members objected to it, I welcome this measure, because it seeks to give immediate relief to the worker who has been subjected to all sorts of exploitation in the country. In the matter of providing Housing accommodation for labour, I am sure the Labour Ministry would take the necessary action. I have always been noticing a tendency to protect only the employer who is intelligent, who is a moneyed man and who always tries to avoid observance of the provisions of the law. I for one feel that this piece of legislation should have been brought forward two years back. I am glad that the Ministry has now come before the House with this Statutory measure and I hope it will be passed into law without much discussion.

**पंडित सी० एन० मालवीय** (रायसेन) : यह जो बिल पेश हुआ है उसमें तो कोई विरोध की बात नहीं है। लेकिन मुझे ताज्जुब है, मुझे हैरत है और अफसोस भी है कि हम जिस तरीके से इंडस्ट्री और लेबर के रिलेशन्स

[पंडित सी० एन० मालवीय]

को बनाना चाहते हैं उसमें हमने कोई ऐसा कदम नहीं उठाया है कि जिससे हम कम से कम अपने संतोष के लिए यह कह सकें कि इस समस्या का इस वक्त यह एक ऐसा हल है कि जो कुछ दिन के लिए हमने इस चीज को अपने ख्याल के मुताबिक लाकर ठहरा दिया है। आप इतने दिनों में कुछ टुकड़ों में दो तीन बातें लाए हैं। एक तो इंडस्ट्रीज के रेगूलेशन के लिए आपने एक बिल पास किया है और फैक्टरीज ऐक्ट आप के पास है। इसके बाद एक यह डिस्प्यूट्स ऐक्ट पास किया है जिसमें हम इस वक्त अमेंडमेंट लाए हैं और इसका मतलब यह है कि मालिक और मजदूरों की जो समस्या आज पैदा होने वाली है और जो ज्यादातर मिलें और कारखाने बन्द होने वाले हैं, उनमें जो मजदूरों के बहुत से झगड़े पड़ रहे थे उनके लिए आप यह मेजर लाए हैं। लेकिन इस मेजर से हम किस चीज को सिद्ध कर रहे हैं? इससे हम यह सिद्ध कर रहे हैं कि आज भी हमने अपने दिमाग से मालिक और मजदूर के रिश्ते को नहीं हटाया है। मैं यह कहना चाहता हूं कि अब यह वह वक्त है जब कि हमारे दिमाग में यह तबदीली होनी चाहिए, यह परिवर्तन होना चाहिए कि हम मालिक और मजदूर के रिश्ते को खत्म करें और जो हमारे यहां की इंडस्ट्रीज हैं, जो हमारे यहां के कारखाने हैं, जो हमारे प्राकृतिक साधन हैं जिनका इस्तेमाल हम अपनी सम्पत्ति बढ़ाने में कर रहे हैं, उनको हम सबकी बराबर की मिल्कियत समझें। अगर हमारी जहनियत इस तरह से बदल जाती तो आप इस बिल में जिस सिद्धान्त को मान कर बैठे हैं वह सिद्धान्त हरगिज नहीं हो सकता था और वह यह कि एक कारखाना चल रहा है, उस कारखाने को कुछ कारखाने दार बन्द करते हैं तो आपने इसी सिद्धान्त को कायम रखा है कि जिस तरह नौकर के साथ रखा जाता है। अगर आपने अपने नौकर से आज खाना नहीं पकवाया है तो आप चाहते हैं कि वह आपका बिस्तर ही कर दे या आप उसको अपने साथ बाजार ही ले जायं। इसमें जो आपने बात कही है वह इसी सिद्धान्त की पुष्टि करती है कि आपने कारखाने को बन्द कर दिया और जो मजदूर लोग हैं उनसे आप कहते हैं कि आप रोज आकर हाजिरी दीजिये जिस तरह से कोई मुलजिम हो और उससे कहा जाय कि पुलिस स्टेशन पर रोज तुमको बतलाना चाहिये कि तुम हाजिर हो या नहीं। उनसे कहा जाता है कि हम तुम को जो काम दें वह करो और अगर नहीं करोगे तो तुम को जो हक हमने दिया है वह हम नहीं देंगे। यह वही मालिक और मजदूर की सी बात हुई। आज भी इन्सान इन्सान का मालिक बन सकता है, हम इस चीज को सिद्ध कर रहे हैं। इससे पीछे हम कदम नहीं हटाते हैं।

दूसरी बात जो आपने इसकी पुष्टि में कही है वह यह है कि अगर आप स्लो डाउन या इस किस्म की चीज करेंगे तो भी हम कुछ नहीं देंगे। हम आज मजदूरों के उस इतिहास को पलटना चाहते हैं जिसको मजदूरों ने अपना खून बहा कर लिखा है। अपनी उस मिल्कियत को, अपने इस हक को उन्होंने अपना खून बहा कर हासिल किया है। जिस वक्त वह मजबूर हो जाते हैं उस वक्त उनको स्ट्राइक करना पड़ता है। उस वक्त वह इस किस्म की चीज को अख्तियार करते हैं। यह गलत है कि वह मिलों से या फैक्टरियों से जबरदस्ती से कोई अपना हक मनवाने के लिये इस किस्म का कदम उठाते हैं। मुझे भी कुछ तजुर्बा है। मैं ने भी इस चीज को महसूस किया है जब वह परेशान

हो जाते हैं, जब मजदूर परेशान हो जाते हैं तो वह बार बार रिप्रजेंटेशन करते हैं, दरख्वास्तें देते हैं और जब बिल्कुल मजबूर हो जाते हैं तब सामूहिक रूप से प्रदर्शन करने का उनको अवसर मिलता है । उस को आप एक तरीके से तो अख्तियार देते हैं, दूसरे तरीके से उस के अधिकार को हटा लेते हैं, गोया कि वह एक तरह से गुलाम है, जिस पर आप मेहरबानी करके उस की झोली में एक टुकड़ा दान के लिये डालते हैं । मेरे ख्याल में हमारे इस बिल का यह बुनियादी उसूल गलत है । इसको बदलना चाहिये । मैं इस के सिलसिले में और ब्योरेवार जब तरमीम में आवेंगी तब कहूंगा । लेकिन अभी उसूली तौर पर आपसे यह कहना चाहता हूं कि इस पर आपको गौर करना है । यह बिल आज हमारे सामने आया है, इसे हमें पास करना है, क्योंकि अगर आज हम इसे पास नहीं करते हैं तो दूसरी उलझनें पैदा होंगी । इसलिये मैं इसका समर्थन तो करता हूं, लेकिन मैं चाहता हूं कि हमारे लेबर मिनिस्टर साहब इस बात की कोशिश करें कि लेबर और इंडस्ट्री के रिश्तों को एक जगह लाकर ऐसा खड़ा करें जिससे कि हमारी पंच वर्षीय योजना पूरी तरह सफल हो सके । मेरी हैरत की कोई इन्तहा नहीं रही जब कि एक तरफ तो आप इंडस्ट्रियल रैग्यूलेशन ऐक्ट पास करते हैं और जब हम कहते हैं कि भोपाल के अन्दर एक इंडस्ट्री बन्द पड़ी हुई है, उस को आप नहीं चलाते । सवाल करने पर कि वह मैच फैक्टरी बन्द पड़ी है आप क्यों उसको नहीं चलाते हैं तो जवाब आप देते हैं कि उस के लिये अच्छी मैशीनरी की जरूरत है । क्या आपने इसी के लिये इंडस्ट्रियल डिसप्यूट ऐक्ट को बनाया है, क्या इसी के लिये इसको पास किया है ? क्या जब तक अच्छी मैशीनरी नहीं होगी, कोई फैक्ट्री गवर्नमेंट नहीं चला सकती ? यह बात तो कहीं ऐक्ट में नहीं कही गई थी । यह मांग कभी नहीं थी । कहा तो यह गया था कि इंडस्ट्रियल डिस्प्यूट ऐक्ट में अगर हम देखेंगे कि मैनेजमेंट में खराबी आ गई है और वह इस को ठीक तरह से नहीं चला सकता तो आप उस को ले लेंगे और सरकार की तरफ से चलावेंगे । लेकिन आप, मालूम पड़ता है, ऐसा करने से इसलिये डरते हैं कि शायद मिल वालों के संगठन का बल इतना बढ़ा हुआ है कि वह सरकार के खिलाफ बगावत कर देंगे और झगड़ा करने लग जावेंगे और हमारी हुकूमत नहीं चल सकेगी लेकिन मैं कहता हूं कि आप उसका डर न रखिये आप उस जनता पर विश्वास करिये जिस ने कि हमको यहां पर लाकर बिठाया है और आप उस जनता की जरूरत के साथ चलिये जिस में मजदूर और किसानों की बड़ी भारी तादाद है । ये मुट्ठी भर लोग, जिन के साथ बहुत मेहरबानी का बरताव आप अब तक बरतते आ रहे हैं, कभी भी हमको इस तरह के खतरे में नहीं डाल सकते हैं । इसलिये यह जो रैग्यूलेशन ऐक्ट है, इसको तो आप पास कीजिये, इस वक्त इसको तो पास करना है, लेकिन जैसा मैं ने कहा है दूसरा बिल भी आप बाद में लाइये ।

हम को नये इलेक्शन के बाद भी साल डेढ़ साल हो गया । इससे पहले भी कई वर्ष गुजर गये, लेकिन हम उन तमाम चीजों को पूरी तरह से रैग्यूलेट नहीं कर सके । मैं चाहता हूं कि इस किस्म का एक बिल ला कर, जिस के अन्दर हमारी इंडस्ट्री के सारे रिश्ते एक ऐसे लेवल पर हों कि जहां मजदूर और मिल मालिक का रिश्ता खत्म हो जाय, उस बिल को पास करें । जो हमारी फैक्टरियां हैं उसमें प्राइवेट सेक्टर तो रहेगा, लेकिन वह हमारी समान रूप से मिल्कियत होनी चाहिये । इस तरह की भावना उस बिल में होनी चाहिये । अगर हम इसके

[पंडित सी० एन० मालवीय]

खिलाफ कुछ करते हैं तो वह हमारे बुनियादी सिद्धान्तों के खिलाफ की चीज हो जाती है जो अच्छी नहीं है ।

इसके साथ ही, जैसा मेरे एक मित्र ने कहा, लेबर की प्रोडक्टिविटी और कैपीटल इनवैस्टमेंट की भी बहुत सी चीजें हैं । लेकिन साथ साथ यह भी बात है कि हम जो कुछ पैदा करते हैं, हम जो कुछ अपना प्रोडक्शन करते हैं, उस को किस तरह से खपाते हैं, उस की उपयोगिता क्या है ? अगर हम कपड़े की गांठें बहुत सी बना लेते हैं, लेकिन वह अगर हमारी दूकानों में पड़ा रहता है और वह स्टाकों में जमा होकर सड़ता रहता है, तो उस दशा में फिर मजदूर की क्या हालत होगी । उस फैक्टरी की हालत क्या होगी । इस बारे हम क्या रहे हैं? हम ने इसका क्या प्लानिंग किया है ? एक तरफ तो हमारी मिलें इतना प्रोडक्शन करेंगी, लेकिन उस की खपत किस तरह से होगी, किस तरह से उसकी तिजारत होगी । जो हमारी फैक्टरियां हैं वह अगर अपने प्रोडक्शन को खपा नहीं सकेंगी तो उन की दिवालेपन की हालत हो जायेगी । लेकिन इसकी शायद कोई पिक्चर हमारे प्लानिंग में नहीं आ रही है । इसलिये मैं आपका ध्यान इस तरफ दिलाना चाहता हूं और जोर देकर कहना चाहता हूं कि इस तरह से टुकड़े टुकड़े में आकर आरजी तौर पर, सिर्फ एक खतरे को कुछ समय के लिये टाल कर आप कोई लम्बी शांति स्थापित नहीं कर सकते । अगर आप को एक सुखी और समृद्धिशाली भारत बनाना है और अगर हमारी पंच वर्षीय योजना को पूरी तरह से सफल बनाना है तो फिर जरा हिम्मत और तेजी के साथ कदम उठाने की जरूरत है । इस तरह की सुस्त रफतारी से हम आगे नहीं बढ़ सकते हैं । इस लिये इस बिल का तो मैं समर्थन करता हूं लेकिन आप से यह अपील करता हूं कि कम से कम इस बिल को पास करके आप इस ओर एक व्यापक बिल लायें । आप मजदूरों के जीते हुए अधिकार को इस प्रकार मत खत्म कीजिये ।

हम यह महसूस करते हैं कि जब यह कहा जाता है कि मजदूर जान कर स्लो प्रोडक्टिविटी की बात करते हैं तो यह उनके प्रति अविश्वास की सी बात हो जाती है । मेरे ख्याल से यह बात गलतफहमी से फैलाई गई है । मैं समझता हूं कि यह स्लो प्रोडक्टिविटी की बात गलतफहमी की बिना पर और गलत अनुभव की बिना पर कायम है । मजदूर गलत तरीके से कभी इस तरह की बात नहीं कर सकता है । जब कभी भी कुछ होता है तो मजदूरों को दबाने की कोशिश की जाती है, मजदूरों को अपने अधिकार से वंचित करने की कोशिश की जाती है । मिल मालिक ही इस तरह की बात करते हैं, कारखानेदार ही इस प्रकार की बात करते हैं । वे अपने हितों की रक्षा के लिये अनेक प्रकार की बातें सोचते रहते हैं । हमारा यही तजुर्बा शुरू से आखिर तक रहा है । इस बिल के पहले आप ने जो यह आर्डिनेंस पास किया है, यह खुद ही इस बात की दलील है कि आप को मजबूर होना पड़ा है कि आप जलदी से इस लैजिसलेशन को काम में लायें, वरना समस्यायें ज्यादा बिगड़ सकती हैं ।

इस लिये मैं इस बिल का समर्थन करता हूं और साथ ही साथ यह अपील करता हूं कि और भी जल्दी हम ऐसा मजदूरों का लैजिस्लेशन लावेंगे जिसकी वजह से हम यह इंडस्ट्रियल डिसप्यूट के और इस तरह के तमाम मामलों को एक ऐसे लैविल पर लाकर कर रखेंगे कि जिसमें मिल मालिक

और मजदूर का इन्सान और इन्सान का रिश्ता रहे । आजकल जो प्रवृति है उस का खात्मा हो और एक समानता की भावना ओतप्रोत हो । यही कह कर और फिर एक बार अपील करके मैं बैठता हूं ।

**Shri Keshavaiengar** (Bangalore North): After having heard so many speakers on this Bill I shall rest content with making a few observations. I rise, Sir, to oppose the motion made by my friend Mr. Nair of the Opposition for reference of the Bill to a Select Committee. I do not think I would be wrong if I were to say that he himself is not very serious about it.

I tender a welcome to this Bill, a half-hearted welcome if not a wholehearted one. For the last several years, even before the Labour Ministry issued the questionnaire, there was a feeling in the minds of the citizens of our country that there should be a complete review and an overhauling of the Trade Disputes Act of 1947. A detailed questionnaire was issued in this regard by the Labour Ministry and every section of the population has answered those questions. Yet we have not seen the face of that consolidated Bill. The existing Act is not, in many ways, helpful to the building up of a good trade union spirit, and on that consideration I feel it is high time that the entire Act, the unsatisfactory, deficient and defective Act be scrapped and that a thorough, overhauled, consolidated Bill take its place. Whatever it is, all thanks to the crisis in the textile industry that led to the promulgation of this Ordinance and subsequently this stop-gap measure before this House. I am personally aware of the effects of the prompt promulgation of this Ordinance. In fact, in my recent visit to my constituency, matters were very critical. In one of the mills with the labour of which I am connected, we were on the point of strike. We were making every effort to settle the matter. It is the promulgation of this Ordinance that induced the management immediately to accept the terms of compensation provided therefor, and the strike was actually averted. In more ways than one, even this stop-gap measure, as I said, has been useful to labour. It is not very difficult for hon. Members of this House to realise the difficulties of insecurity of service of the labourer. In fact, every one of us knows what that is when we think for a minute about the period that we are laid off during the off-session by Government—except perhaps our friends on the Treasury Benches. We need not go for hard instances of the plantation labour referred to by my hon. friend Shri K. P. Tripathi. Even in my mill.....

**Shri Bhagwat Jha** (Purnea *cum* Santal Parganas): Have you got any mill of your own?

**Shri Keshavaiengar:** I represent the labour of a mill.

In my mill, 14 workers went home after their work for the day. That evening at about 4 o' clock, a notice was put up on the notice board saying that they were retrenched for no reason whatsoever, or for reasons best known to themselves. That notice was to come into effect that evening. The next morning, when these 14 workers go there for their work, they are faced with this dismal feature of their being out of job. That is the situation that labour is faced with, particularly in matters connected with retrenchment and also connected with laying off. I am happy to have the assurance of our beloved Minister that he realises the omission connected with lock-out. I am sure he will introduce an amendment regarding that matter as well. I would very much like to know the reasons why the consolidated Act is being delayed. Am I to understand that our Government and our beloved Minister are waiting for another serious crisis to bring that enactment? Any way it is high time that the employers are made to feel and realise that of the concerns of which they are in charge, they are not the masters, but

[Shri Keshavaiengar]

it is the people of the country, it is the citizens of our country that are the masters and that the management are only partners with labour. The sooner they realise this, the better. It appears that it is, to a considerable extent, the responsibility of the Government to bring it home to them. In that way, to a certain extent, the management have, after the promulgation of the Ordinance and this Bill, come to realise that they have to share the hardships of labour during the period of their lay off. They are not justified in feeling that they can hire and fire labour according to their whims and fancies. With this request for an explanation on the part of our Minister as to the inordinate delay involved in bringing about the much expected consolidated measure, I heartily tender my welcome to this measure in spite of the fact that it has many defective features.

**Mr. Chairman:** There has been a sufficient discussion of the matter. I now call upon the hon. Minister to reply.

**Shri V. V. Giri:** I am indeed grateful for the constructive criticisms that have been made by various hon. Members of this House representing all the groups. I assure them that their criticisms will be borne in mind. I have also given notice of certain amendments which will meet some of the points that they have raised.

I agree with my esteemed friend on the other side, Shri N. Sreekantan Nair when he said that the labours of the Government were like the labours of a mountain that produced a mouse. It fortunately happens also that the Labour Minister is a mountain because my name is Giri and I am really ashamed if I am made to feel that the labours of myself and this Government only produced a mouse. I am glad to tell you that I am in the happy company of great labour leaders who combined with me in producing this mouse. I may say straightaway that the question of lay off was being discussed for many years. For the first time in our country, at the recent meeting, held in July last, of the Labour Standing Committee, representatives of all workers' organisations in India, of all the employers' organisations in India, of all the State Governments in India, of the Central Government, sat together for two days, and discussed this matter threadbare. I may for your information mention that the representatives,—the labour leaders that sat at that conference, and the great captains of industry like Shri Shri Ram and some European gentlemen, whose names, I do not remember—have come to an abiding agreement on the question of

[MR. DEPUTY-SPEAKER *in the Chair*]

lay off. I am absolutely certain and I think the House will certainly assure me that I am incapable of betraying labour interests. Shri Dange is incapable of betraying labour interests. Shri K. K. Desai, Shri H. N. Shastri, Shri Dave, Shri Vasavada, etc., are incapable of betraying labour interests. Shri Dinkar Rao Desai is incapable of betraying labour interests. Shri Mrinal Kanti Bose is incapable of betraying labour interests. Of course, Shri K. K. Desai was not there. The representatives of the INTUC, representatives of the AITUC, representatives of the UTUC, representatives of the HMS were all there sitting with the employers, in fact, like a jury that is put in a room. At one time, I said, I was going to lock them up in a room unless they came to an agreement. I am very glad that they took it in the best of spirits and arrived at conclusions—unanimous conclusions. Therefore, I would like to tell my friends on all sides of the House that it is not a manufacture of mine, as though I am the sole labour leader of this country, or as the Labour Minister of this Government. It is an endeavour on the part of all the representatives of labour, representing different groups who felt that under the circumstances prevailing in this country, nothing more at the present moment is possible. I will be the happiest man to

6 P.M.

get hundred per cent. wages during the time of lay-off. I will be glad to remove all the defects that have been mentioned by the other side. And, in order to prove that this agreement has been arrived at after careful deliberation, I would only read some of the Clauses of the agreement arrived at. And I assure you we looked at this aspect in coming to the agreement as realists and practical men of affairs. We have given all our life for the cause of labour. I am sure nobody in the House will deny that most of those gentlemen have given their lives for the cause of labour. I would like to repeat that it is the general economic position of the country and various other factors that made them to come to an agreement, the clauses of which are being put to severe criticism.

You are perfectly correct in putting to serious test whether the agreement was really a reasonable agreement. I agree with you, and I would, whether as Labour Minister today or labour leader or labour representative tomorrow, not rest content unless the right to work and the right to live are assured to every worker in this country and social amenities which will protect an individual from the womb to the grave are guaranteed. But, unfortunately, as Rome was not built in a day, we have also carefully to consider various aspects. Why are these Five Year Plans and other plans to follow? It is in order to see that things are put right and the fundamental rights of the people are assured.

So far as lay-off and retrenchment which are the subject matter of this Bill are concerned, it has been rightly stated that this legislation is more a deterrent and it is a pointer to the employers who did not realise their responsibilities to labour in the past which has resulted in the present discontent. If they had realised their responsibilities earlier, far earlier, two decades ago, and known how to strengthen and help and allow workers to organise freely, most probably all decisions could be arrived at through agreements, without labour laws. As I have always held, internal settlement of trade disputes is far more abiding, far more permanent, than any settlement imposed by a third party. In fact, I am not ashamed to confess that I had to eat my words practically and agree to the continuation of adjudication, both in public utility and non-public utility sectors, because I felt that the real spirit of things was not understood by the employers, and they were taking advantage of the economic conditions prevailing. Therefore, I came to the conclusion, and I am not sorry for having come to the conclusion, that Section 10 of the Labour Relations Bill should continue for some time. And therefore, I would like to give my hon. friend on this side the answer that if the consolidated Bill has not come, I am not sorry for it in the sense that I am trying to explore all possibilities, know the mind of the workers' and employers' organisations of the country exactly as to what would suit us. No doubt, we issued a questionnaire. The questionnaire was followed by a tri-partite conference. The tri-partite conference was followed by a seven-man Committee. The seven-man Committee was followed by a Labour Ministers' conference, and I may tell you now where that leads, *viz.*, that I am trying to understand my hon. colleagues who represent other Ministries, to see exactly whether and how satisfactorily we can draft a Bill to the satisfaction of the country and the community. That is the only answer I can give my hon. friend who was persistent in asking the question, and much more I cannot say.

And another point that I would like to bring forward is that there is a misapprehension or non-appreciation of labour legislation. You may have any amount of labour legislation, extending over thousands of pages relating to all kinds of conditions of workers, but unless the workers are rightly organised on a democratic basis and the workers' leaders understand how

[Shri V. V. Giri]

to put forward in a reasonable and just manner their demands with sanction behind them on the one hand, and the employers are made to realise and know how to treat the other, the dominant partner in the industry, as I have always said,—the workers—in a proper way as regular and real partners, there is no hope for industry or for this country. These two axioms of mine should be understood and digested by the leaders of the workers' movement as well as by the employers. Then I am certain that whatever legislation is passed can be implemented in a proper way. Otherwise, it is sure to be implemented in an improper way.

We gentlemen, whether it is Dange or K. K. Desai or Dinker Desai or any others, have arrived at an agreement on lay-off and we believe that that can succeed only if the workers' leaders know their rights and responsibilities, if the employers also know their rights and responsibilities. In the past when we began the labour movement, there was no legislation. It is by the strength of our organisation, it is by the reasonableness of our demands, it is on account of the belief that has been put before us by Mahatma Gandhi, our great leader and the Father of the Nation, that strike should be the very last resort in the armoury of the workers when all other methods at settlement have failed, that we succeeded. If we believe in the weapon of truth and non-violence, then alone we shall have the real strength to put forward before the employer in a just way our demands, and if they do not concede we would certainly go in for direct action—and we did and we won all along the line. That view also must be digested in a proper manner.

Having said this, I would only refer to some of the points, among the fourteen points, that were agreed to by this tri-partite committee wherein sat the representatives of all the employers' organisations and all the workers' organisations, the State Government and Central Government representatives, so that you may know that we have not in a half-hearted manner or a light-hearted manner come to conclusions as to what should be the agreement which we consider very sacred.

One of the points I would like to read out is this:

> "The scheme for payment of compensation for involuntary unemployment should apply to both the public and the private sector."

My hon. friend Dr. Lanka Sundaram was afraid whether the same was being applied to the public sector, and I now assure him that it does apply to the public sector.

> "Fifty per cent of the basic wage and dearness allowance will be payable to the workers as compensation."

Do you mean to say that we are anxious somehow or other to deprive the workers? Considering all the conditions, and considering conditions even in other countries where this kind of law prevails regarding lay-off, taking all these matters into consideration we came to that agreement.

> "The duration of the benefit will be restricted to a period of 45 days in a year. The scheme will not apply to factories employing less than 50 workers. The workers must answer the roll call at least once a day. No matter relating to leave shall be referable to conciliation or adjudication."

In the matter of retrenchment, the present law stands. While according compensation, this shall be followed, and there may be no appeal, so far as the quantum of the necessity of retrenchment arises, it is there.

I am very glad that various amendments have been tabled, and I have also sent some amendments today, which, when they come up for discussion, will clear the atmosphere to

a great extent. So far as the question of lay-off is concerned, you may take it that this matter has been discussed threadbare, and after due consideration of all the aspects, all the defects and demerits of all the propositions, we have come to that understanding. And you have to rely on the *bona fides* of representatives of labour who sat in that Committee, and whose patriotism for workers cannot be questioned.

This is not a great legislation. I do not say so. It is a very humble piece of legislation. But for the first time, its introduction and passing will be very significant from the point of view of the workers. Today, if a worker is retrenched in this country, or laid-off, he is thrown into the streets, and he has to starve. But this measure will at least enable him to stave off immediate starvation the next day he is retrenched or laid off. He will have time to think what to do and what not to do. In the event of his getting employment soon, he is lucky. If there is no hope of getting employment within less than a month, he may start some small business with a thousand rupees or so that he may get. This is not a great legislation. No doubt, it is a humble piece of legislation, very moderate in its character. But I am certain that all the workers in the country, who know what starvation is, will understand and appreciate to some extent, the good things done in this legislation.

It is not merely the textile crisis that has been responsible for this legislation. No doubt, the textile crisis resulted in the Ordinance. But so far as the question of lay-off and retrenchment is concerned, it is not a new question at all. We were faced with it not only now, but 30 years ago as well. We are faced with it more now, and there is no question about it. We took time to that extent, and we did not immediately do this, because, apart from any other thing, why should there be a lay-off or retrenchment? In these matters, I must say that it is unfortunate—that has been my experience unfortunately for the last 35 years, as a labour leader—that if any economy is to be effected, the employer does not think of other things, but starts retrenching labour. That is a very unfortunate thing. But here is a pointer to them now that they should not think so, and I am certain that they will not think so, because, once they think of retrenchment, they must also think of payment of half a month's wages for every year of service that a worker has put in. This Bill is a pointer to them that they should avoid retrenchment. Retrenchment can be avoided, by having a plan of action, extending over a period of five or ten years. If you begin to think how to prevent retrenchment, retrenchment will never occur. You may have a long drawn-out programme, and try to see how to absorb the people, or you may not fill up new vacancies and so on and so forth. So, there are so many ways of not effecting retrenchment. It is a pointer, therefore, to the employers to be very careful, and I am sure in my mind today that the employers who used to talk to me so lightly of retrenchment, do not talk in that manner now. That has been one of the effects of this legislation. Provided the workers know their rights and duties, and the employers their duties, responsibilities and rights, why should any retrenchment or lay-off occur? If they can sit at a common table, and open up the records in a *bona fide* manner, and each party sets out and places its difficulties, I do not see how any issues will arise at all. I am very glad to say that for the first time, at a tripartite gathering, we were able to come to an agreement on the question of lay-off. In fact, I feel certain that even on matters like bonus, and other big issues, where it has become a habit or a fashion for the employers as well as the workers to rush to adjudication, if we can lay down principles, as we have laid down principles regarding lay-off,

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I do not see any reason why any matter should be referred to adjudication. Everything depends on the good will of the employer, and the good sense of the workers, and the good lead that the labour leaders give to the workers. Labour leaders should lead and not to be led. If we feel that the workers are going in a wrong direction, we must be in a position to tell them that they should not do so. When I was in Calcutta, addressing a meeting of 20,000 dock workers, and others, I was telling them straightaway that there was no use of simply surrounding an employer and demanding him to write something, and so on. That is intimidation which they should not practise. By the strength of your organisation, and by the strength of the demands, and the sanctions behind you, you can certainly come to an agreement across the table. That is the one thing that we have to learn in this country; whether you are workers, or employers, or the general public, try to iron out things, and try to come to an understanding and try to run our country in the proper way.

I do not wish to take up the time of the House any more. I shall state in reply to various amendments that will be placed before the House tomorrow, my views on matters and I hope and trust that this House will give ultimately its unanimous support to this measure.

I oppose the motion for referring the Bill to a Select Committee, which I feel, is not necessary.

**Shri N. Sreekantan Nair:** On a point of information, Sir. The hon. Minister stated a little while ago that he has also given notice of some amendments. But we have not received copies of them. Will they also be circulated to us?

**Mr. Deputy-Speaker:** All of them will be circulated to hon. Members tonight, and hon. Members will have sufficient time to go through them.

**Shri T. B. Vittal Rao:** But if we want to move amendments to those amendments.....

**Mr. Deputy-Speaker:** They can be moved on the floor of the House. Because there is short notice regarding these amendments, if hon. Members want to move any amendments to those amendments, they can come ready with them. They can give notice tomorrow morning before the amendments are moved on the floor of the House, for there is sufficient time between tomorrow morning and tomorrow afternoon.

Now, I will put this amendment for reference to a Select Committee before the House.

**Shri N. Sreekantan Nair:** I do not press it, Sir, because I do not want to embarrass the hon. Minister. I beg leave to withdraw it.

*The amendment was, by leave, withdrawn.*

**Mr. Deputy-Speaker:** The question is:

> "That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration."

*The motion was adopted.*

**Mr. Deputy-Speaker:** What about the clauses? There are yet ten minutes more . The clauses may be taken up tomorrow.

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## BUSINESS OF THE HOUSE

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** Sir, I beg to move:.....

**Shri S. S. More** (Sholapur): Sir, I had raised a point of order regarding that. Under rule 74 of our Rules of Procedure, when a Bill is introduced and when a motion is to be moved for consideration or reference to a Select Committee, there should be at least an interval of two clear days between the Motion for introduction and the Motion for consideration.

**Shri T. T. Krishnamachari:** I am not moving the Bill. I am moving the resolution.

**Shri S. S. More:** I am sorry.

**Mr. Deputy-Speaker:** But the difficulty is this. When is this to conclude?

**Shri T. T. Krishnamachari:** This evening.

**Mr. Deputy-Speaker:** Which will be the first item tomorrow?

**Shri Gadgil** (Poona Central): There are already half a dozen Bills under discussion. Let there be some system.

**Mr. Deputy-Speaker:** The only point is this. Is this resolution likely to take a long time?

**Shri T. T. Krishnamachari:** It all depends upon the House. I would like to submit, Sir, that there is a Bill coming up before the House in regard to amendment of the Coffee Marketing Act. The main issues will be discussed on that Bill. This is only a minor measure of collecting an export duty on coffee exported. May I go on?

**Shri H. N. Mukerjee** (Calcutta North-East): May I submit, Sir.....

**Mr. Deputy-Speaker:** The hon. Minister means that this can be taken up along with the Bill?

**Shri T. T. Krishnamachari:** I am entirely in the hands of the Chair.

**Mr. Deputy-Speaker:** I am sorry if I misunderstood the hon. Minister. Both refer to the same matter.

**Shri T. T. Krishnamachari:** No, Sir. When the amending Bill is under discussion, that is the time when everything regarding coffee may be raised. This is merely a matter of export duty on exported coffee and I thought I could move the Resolution and get it passed.

**Mr. Deputy-Speaker:** The resolution may be moved.

Then so far as the work for tomorrow is concerned, hon. Members must know whether the Industrial Disputes (Amendment) Bill will be taken up for further consideration.

**Shri A. V. Thomas** (Srivaikuntam): On a point of order, Sir. This resolution is not so simple a proposal. It is very important and many of us would like to speak on it.

**Mr. Deputy-Speaker:** Whoever prevents hon. Members from speaking?

The resolution may be moved. But the Industrial Disputes (Amendment) Bill will be taken up only after that.

**Shri Gadgil:** There are already three Bills pending. This will be the fourth.

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## RESOLUTION *RE* EXPORT DUTY ON COFFEE

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** I beg to move:

> "In pursuance of sub-section (2) of section 4A of the Indian Tariff Act, 1934 (XXXII of 1934), the House of the People hereby approves of the notification of the Government of India in the Ministry of Commerce and Industry S.R.O. 1904, dated the 10th October, 1953, by which an export duty of Rs. 62-8-0 per cwt. was levied on coffee with effect from the date of the said notification."

**Mr. Deputy-Speaker:** The hon. Labour Minister may be in his seat for sometime more.

What I am feeling is this. I want to fix up the business for tomorrow. There are some amendments which have not been circulated for consideration of the Members. Various amendments have been tabled by the Government. They must have become part and parcel of the Bill itself. The Ordinance was issued a month ago. Naturally, the other side would like to consider that matter and would like to have time also for tabling amendments. It is on account of that that I called upon the hon. Minister of Commerce and Industry to move his resolution. If the amendments to the amendments are in such

[Mr. Deputy-Speaker]

large number, the Government must also consider them. So the Industrial Disputes (Amendment) Bill will be taken up day after tomorrow and this resolution may be continued tomorrow.

**Shri H. N. Mukerjee** (Calcutta North-East) *rose*—

**Mr. Deputy-Speaker:** There is no hustling. Let the amendments be circulated, and if any amendments have to be tabled to these amendments, let them all come up for discussion day after tomorrow.

**The Minister of Labour (Shri V. V. Giri):** I have no objection, Sir.

**Mr. Deputy-Speaker:** This resolution will continue tomorrow and after this, the Dhotis Bill will come up for consideration, then the Ancient Monuments Bill (*Interruptions*).

**Shri V. V. Giri:** I take it that my Bill will come up day after tomorrow.

**Mr. Deputy-Speaker:** Yes.

**Shri Damodara Menon** (Kozhikode): We have some amendments to this resolution. When are we to move them?

**Mr. Deputy-Speaker:** They can all be moved. If we sit till eight, they can be moved. Otherwise, they will be moved tomorrow. What is this question about? The hon. Member is well aware of the procedure. After the resolution is moved, I will place it before the House, and then allow all amendments to be moved.

**Shri Damodara Menon:** Notice of this resolution was given only today. We did not know that this would be taken up.

**Mr. Deputy-Speaker:** Amendments can be allowed tomorrow.

**Shri Keshavaiengar** (Bangalore North): After the resolution is passed, let us take up the Industrial Disputes (Amendment) Bill.

**Mr. Deputy-Speaker:** It will be taken up only day after tomorrow. After this resolution is passed, the Dhotis Bill will be taken up and if there is time...

**Shri S. S. More** (Sholapur): What happens to the Banking Companies (Amendment) Bill which has been already introduced?

**Mr. Deputy-Speaker:** The hon. Member is aware that at the instance of hon. Members here, I wanted that extracts from documents, correspondence and so on must be circulated. They are preparing the extracts and after they are in the hands of hon. Members, the Banking Companies (Amendment) Bill will come up for consideration.

**Shri S. S. More:** It will again be put on the agenda?

**Mr. Deputy-Speaker:** Certainly. Otherwise, how can it be taken up here?

**Shri T. T. Krishnamachari:** Sir, the need for exports arose from the fact that owing to high prices the offtake of coffee considerably diminished and in September, the stock of coffee with the Coffee Board was 12,700 tons out of which Robusta, *i.e.* the most inferior of the three qualities of coffee, was about 5000 tons. Representations were made to Government that for some time some coffee must be allowed to be exported mainly because of the reason that coffee prices in the world are much higher than the coffee prices in India, which in all conscience are high enough.

**Mr. Deputy-Speaker:** Hon. Members need only sit for five minutes more.

**Shri T. T. Krishnamachari:** As a result of these representations, Government felt convinced that the market for low grade coffee in India was not very good and considering the fact that the new season's crop would also be available in another two months, Government decided initially to allow an export of 2,000 tons of

Robusta. Subsequently, it has been increased by another 1000 tons.

As I said, Sir, the difference in the price between Indian coffee and the coffee in the London market is considerably high. The price of Robusta in the Indian market is Rs. 146. That is the basic price for the pool auctions. And this Rs. 146 is comprised of Rs. 21 by way of excise duty, coffee cess Re. 1 and the administrative expenses of the pool Rs. 7-4, making in all Rs. 29-4. Actually, the price that is paid to the grower in the matter of Robusta is Rs. 117 per cwt. Sir, the price abroad is fluctuating. It is somewhere between Sh. 360 and Sh. 400 per cwt. for coffee of this sort. So after taking into account the possibility of a very large amount of money passing into the hands of middlemen, Government decided that they should impose a duty of Rs. 62-8 on each cwt. of coffee exported. One thing that hon. Members here may probably not be aware of is that in the case of coffee that is exported, the excise duty does not operate; so much so that even as it is, with this duty, the Coffee Board must have been able to realise an average of Rs. 168-8 to Rs. 169 per cwt. which after taking into account Rs. 117 to be paid to the grower, Rs. 7-4 to the Coffee Board's expenses and Re. 1 for cess totalling about Rs. 125-4 still leaves a margin of about Rs. 43 for the Board.

The fact that 2000 tons have been taken off immediately and another 1000 tons would be taken off as soon as offered shows that the middleman has also a fairly substantial margin. That is in sum, Sir, the position in regard to this particular duty. If 3000 tons are exported the Exchequer will benefit to the extent of 37½ lakhs of rupees on the basis of this duty. As I said, 2000 tons have already gone and the Exchequer has benefited when the goods have passed for shipment to the extent of 25 lakhs of rupees and another 12½ lakhs will accrue. There is no more to be said in regard to this particular resolution. But it may be that hon. Members will have some view with regard to the Government's policy vis-a-vis the Coffee Board, or with reference to the Coffee Board's policy vis-a-vis the Government's policy, or it may be with reference to the consumer's policy both with regard to the Coffee Board and the Government. All these matters, I suggest, Sir, might be dealt with at the proper moment when the amending Bill is taken up. Otherwise, we will probably have a double discussion, one discussion on this and the same discussion repeated when the Coffee Board Act (Amendment) Bill comes before the House.

This is such a simple matter and it does not permit of any amendments. I do not know what the hon. Members are going to suggest as amendments; whether they may be that it should be only Rs. 50 or Rs. 45 or that no tax at all should be levied. It may be some such thing; I am not aware of them, Sir. There is no room for any radical amendment because the policy is there that there is a duty of Rs. 62-8 levied on coffee that is exported and that will accrue to the Exchequer.

**Mr. Deputy-Speaker:** Resolution moved:

> "In pursuance of sub-section (2) of section 4A of the Indian Tariff Act, 1934 (XXXII of 1934), the House of the People hereby approves of the notification of the Government of India in the Ministry of Commerce and Industry S.R.O. 1904, dated the 10th October, 1953, by which an export duty of Rs. 62-8-0 per cwt. was levied on coffee with effect from the date of the said notification."

*The House then adjourned till Half Past One of the Clock on Tuesday, the 24th November, 1953.*